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ACTS

PASSED AT

THE FIRST SESSION

OF THE

TWELFTH

GENERAL ASSEMBLY

OF

THE STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE, ON MONDAY THE
FIFTEENTH DAY OF SEPTEMBER, ONE THOU-
SAND EIGHT HUNDRED AND
SEVENTEEN:

BY AUTHORITY.

KNOXVILLE, PRINTED BY GEORGE WILSON, PRIN-
TER TO THE STATE.

1817.

217335
15

ACTS

PASSED AT THE FIRST SESSION OF THE
TWELFTH
GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE,

Begun and held at Knoxville, on Monday, the Fifteenth day of September, One thousand eight hundred and seventeen.

CHAPTER I.

AN ACT to incorporate the President, Trustees & co. of the Nashville Female Academy.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all and every person or persons, or the legal representatives of such persons who are or shall become subscribers to the association or company, formed at Nashville for the purpose of establishing a female academy, and are, or shall be proprietors of the real or personal property belonging to said company shall be, and they, and their successors and assigns, are hereby declared to be a body politic, and corporate, by the name and style of the President, Trustees, & Co. of the Nashville Female Academy, and by that name shall have perpetual succession, and shall be liable to sue and be sued, plead and be impleaded in all courts of record and elsewhere; and to purchase and hold estate both real and personal, and the same to alien, sell and dispose of; and to have a common seal: and also to ordain, establish and put in execution, such bye laws and regulations as shall appear necessary and proper for transacting the business of said association or company, and conducting, and governing a seminary for the education of females. *Provided* the same shall not be inconsistent with the constitution and laws of this state. *And provided also,* That this charter of incorporation shall be accepted by four fifths of the members of said company in the manner hereafter provided.

Subscribers
to be incor-
porated.

Their pow-
ers and au-
thority.

Provisos

Sec. 2. *Be it enacted,* That the following shall constitute the rules for the government of said company:

Rules of go-
vernment.

Rules of go-
vernment.

ARTICLE I.

Each individual who shall have subscribed the articles of association, or who may hereafter subscribe the same on the books of the company, and shall have paid into the hands of the treasurer appointed for that purpose, or on before the second Monday of November next, the sum of one hundred and fifty dollars, or the legal representatives of such person, shall be considered as a joint proprietor, with all of the members, in the stock or property of the company, so long as he shall conform to the laws and rules for the government of the same.

ARTICLE II.

The amount that may be required to be paid by each member or proprietor of the company shall be four hundred dollars inclusive of one hundred and fifty dollars already paid, or required to be paid before the second Monday of November next, of which not more than twenty five dollars shall be required to be paid in any term of three months.

ARTICLE III.

The affairs of said company shall be managed by seven trustees, who shall elect one of their own body to be president ; said trustees shall be elected by the proprietors of stock in said company, on the first Monday in January, in each year. The trustees shall be proprietors of stock ; and, in electing trustees, each member of the company shall be entitled to vote for seven persons, and those having the highest number of votes shall be considered as elected ; and if at any time an election should not take place, the president and trustees for the time being shall continue to manage the affairs of said institution until an election takes place, and if any of said trustees shall refuse to act, or die, or remove out of the state, or cease to be a member of the company, the remaining trustees shall fill said vacancy from amongst the members of the company until next election.

ARTICLE IV.

There shall be a treasurer elected for said company, by the President and Trustees ; who shall hold his office for one year ; whose duty it shall be to take charge of the funds of the company, and collect, distribute and pay out the same, pursuant to the orders of the President and Trustees of the company. The treasurer shall, before entering on the duties of his office, enter into bond with good security, payable to the president and Trustees, for the use of the company, in such sum as they may direct, with condition, that he will well and truly execute the duties of his office, and

that he will well and truly account for all the monies **Rules of gov-**
by him received and pay over whatever sum shall be **vernment**
in his hands to the President and Trustees, or to their
order whenever he shall be thereto required, and the
said Treasurer shall keep a regular book in which he
shall enter all the receipts and expenditures of the mo-
ney, shall keep the same open at all times for the in-
spection of the President and Trustees, and shall hand
over the same, together with all the papers to the Pre-
sident and Trustees when his time of service expires.

ARTICLE V.

The President and Trustees shall appoint a Clerk,
who may be one of their own body, and shall keep a
regular and full record of their meetings, and of the
business transacted by them, which shall be open for
inspection to the proprietors at every regular meet-
ing.

ARTICLE VI.

The President and Trustees of whom a majority
shall be a quorum, shall have power to make, alter and
annul all such bye laws, rules and regulations, for the
government of the affairs of the company, and that of
their officers and persons employed by them, and for
the tuition and instruction of females, as to them from
time to time may seem expedient, not inconsistent with
this act of incorporation, and shall have power to em-
ploy such and so many teachers in the different bran-
ches of education, to prescribe the manner of tuition,
to purchase such books, and other apparatus, as to them
may appear necessary, and shall have power at all
times, and it shall be their duty at least once in every
month to visit the Academy, and enquire into the course
of discipline and the studies of the students.

ARTICLE VII.

All contracts and engagements made by said compa-
ny with their teachers and others, shall be signed by
the President, and shall be obligatory on said compa-
ny.

ARTICLE VIII.

The Stock or shares belonging to the proprietors in
the said company, shall be transferable on the books of
said company and in no other manner. *Provided*, the
President and trustees are willing to accept of such
proposed assignee as a member of the company, of
which an entry shall be made on record, and the share
of any deceased person shall pass by devise, or descend
to the legal heir of such deceased person.

ARTICLE IX.

The President and Trustees, shall have power to
require payment from the members of the company,

Rules of government. from time to time of such sum, as to them may appear necessary for the purpose of erecting, finishing, or improving the buildings of said company, and for the purpose of procuring teachers and purchasing books and other materials necessary for the purposes of education. *Provided*, that no greater sum than twenty five dollars shall be required to be paid in any term of three months, and that notice shall be given in the newspapers in Nashville, at least thirty days, of the payment,

ARTICLE X.

If any member of said company shall fail to pay in to the hands of the Treasurer within the time required by the order of the President and Trustees, any sum required by them to be paid, such person, shall thereupon cease to be a member of said company, and shall forfeit all claim that he or she may have to the property of said company, or to the money by him or her paid. *Provided*, nevertheless, that the President and Trustees shall have power within any term of three months from such failure, on the application of such person to accept of such instalment with such additional sum in damages as to them shall seem proper, and reinstate such defaulter as a member, and cause the same, and all circumstances attending it to be entered on the records, and if any member shall make such default or failure, and shall fail to make application to the president and Trustees, within the term of three months to be reinstated, or shall fail to pay such instalment with the addition of the damages required, his default shall be entered on the minutes of the board, together with the circumstances, and that he or she has ceased to be a member of the company.

ARTICLE XI.

The President and trustees shall have a regular meeting once in every month and as much oftener as the President or any two trustees may require the same.

ARTICLE XII.

The members of the company, shall meet on the first Monday in each year, and as much oftener as any ten members require it.

ARTICLE XIII.

The President and Trustees with the assent of a majority of the members, may accept and adopt additional members on such terms as the bye laws may prescribe.

ARTICLE XIV.

The profits of said company shall be applied, as far as shall be adjudged necessary and proper, to the purposes of furthering and promoting Female education.

any additional profits which it may not be adjudged by the President and Trustees, necessary to apply to that purpose, shall be paid over in equal portions to the members of the company, for the time being every six months.

Sec. 3. *Be it enacted*, That until the first Monday of January next, and until an election shall take place for trustees of said Academy; the affairs of said company shall be conducted by Robert Whyte, Robert Searcy, Felix Grundy, John P. Erwin, John Baird, Joseph T. Elliston, and James Trimble, of whom Robert Whyte is President, and until that time they shall be called "The President and Trustees of the Female Academy in Nashville," and shall have, and exercise all the power and authority hereby given to the President and Trustees of said Academy.

Trustees are pointed to act until others are elected.

Sec. 4. *Be it enacted*, That it shall be the duty of the said President and Trustees, to cause public notice to be given in the newspapers printed in Nashville, requiring the proprietors of the stock in said company, and who shall have paid the instalments heretofore required to be paid by said company, to meet at the female Academy, on the second Monday of November next, to decide whether they are willing to accept of the charter of incorporation, and if four fifths of said persons who have signed the constitution of said company, shall subscribe an agreement to accept of the charter, the same shall be entered on the records of the proceedings of the company, and this act of incorporation shall be considered as in full force, and binding on the members of said company, their successors and assigns.

Notice to be given of the meeting at which the adoption of this charter is to be decided on.

Sec. 5. *Be it enacted*, That the election of Trustees shall be conducted, under the superintendence of any Justice of the peace for Davidson county, at the times herein appointed, and said election shall be held at the Academy, or at such other place in Nashville, as the President and Trustees shall appoint; *Provided*, there shall be public notice given in the newspapers of such place, twenty days before said election.

Election how conducted.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 3, 1817.

CHAPTER II.

AN ACT for the benefit of Erwin Young, and others.

WHEREAS it appears to this General Assembly, Preamble
That Charles Young, in his life time, on the 27th day

of January, 1779, made an entry of two hundred acres of land, in Carter's office, of number 1140, and caused said entry to be surveyed, on the 25th day of October, 1789; and it also appears to this General Assembly, that no Grant ever issued to the said Charles Young, in his life time thereon, for remedy whereof:

Register to
issue grant.

BE it enacted by the General Assembly of the State of Tennessee, That the Register of the Land Office, for East Tennessee, be and he is hereby required to make out and issue a grant to Ewin Young, Wilkins Young, and Jane Young, the only heirs and representatives of the said Charles Young, deceased, for two hundred acres of land, in pursuance of a plat and certificate of survey, made for said Charles Young, on the twenty-fifth day of October, 1789, by John Shields, then deputy surveyor, and deliver the same to the said Ewin Young, Wilkins Young, and Jane Young: and that said Grant when issued, shall be as good and valid in law and equity, as if it had issued on a duplicate warrant and survey of this State, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

September 27, 1817.

CHAP. III.

AN ACT to authorise any of the Courts by law required to set at the Court House in Knoxville, prior to the first day of January next, to adjourn such court to some other house in said town.

Courts may
be held in any
house in the
town.

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for any, and each of the courts which by law are required to be held at the Court House in Knoxville, at the next session or term thereof, provided such session or term is to commence before the first day of January next, to adjourn from said Court House to any other house in said town, and at such house to continue their session or term by adjournment from day to day, so long as the situation of their business may render it necessary.

Returns of
Process.

Sec. 2. Be it enacted, That all writs and other process whether relating to a civil or criminal matter, or cause made returnable to any of said courts at the said Court House, shall and may be returned to such place as said court shall have adjourned to, and all and every person or persons, bound to appear at such court, shall be held and deemed bound to appear before such

court at the place to which it shall have adjourned, and such court shall have the same power and jurisdiction, to hear, try, and determine all matters and causes within their cognizance, at the place to which they shall have adjourned, that they would have had, provided their sessions had been held in said court house.

Sec. 3d. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 1st, 1817.

CHAP. IV.

AN ACT to alter the place of the meeting of the returning officers of the Election District composed of the Counties of Montgomery, Stuart and Humphreys.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the returning officers of the Election District composed of the Counties of Montgomery, Stuart and Humphreys, that have heretofore been bound to meet at Roslin in Stuart county in order to compare the votes taken in said District, shall in future meet at the house of Philip Hornberger in said Stuart County, and shall be governed by the same rules as have been heretofore pointed out by law for such returns to be made.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 10th, 1817.

CHAP. V.

AN ACT for the relief of Thomas Lackey.

WHEREAS it is satisfactorily made known to this General Assembly, That Thomas Lackey, former jailor of Washington district, is entitled to the sum of one hundred and three dollars thirty three and one third cents, for expences incurred on account of divers prisoners, for remedy whereof.

Be it enacted by the General Assembly of the State of Tennessee, That the said Thomas Lackey, shall make out a fair and explicit statement of the expences incurred by each prisoner, and designate in said account, from what county, in the former Washington district, said prisoner was brought, and when said account is made out and sworn to before any judge of the cir-

put court, the county trustee, from which the respective persons were first brought, are hereby required to pay the same out of any monies in their hands, not otherwise appropriated.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

September 30th, 1817.

CHAP. VI.

AN ACT to incorporate the inhabitants of the town of Carthage, in the County of Smith:

Town incorporated.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the town of Carthage, in the county of Smith, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the town of Carthage, under the same rules, regulations, restrictions and privileges of the town of Jonesborough in this State.

Former law repealed.

Sec. 2. *BE it enacted,* That all laws heretofore made for the regulation of the town of Carthage, be, and the same are hereby repealed: and this act shall take effect, and be in force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

October 1, 1817.

CHAP. VII.

AN ACT to amend an act "entitled an act to authorize David Russell, Nicholas Byers, Arthur H. Henly, John Lowrey and Russel Goodrich, to open a Road from Samuel Thompson's, on nine mile creek, in Blount county, to the Southern Boundary line of this State, so as to intersect a road already opened by said company leading to the highest point of navigation on the Tugulo River, and to incorporate them a company by the name of the Unicoi Turnpike company."

Preamble.

WHEREAS on account of the great length of said road, and quantity of labour which has been necessary to bestow thereon by said company, it has been found that the time limited in the above recited act, has not been sufficient within which to complete said road, for remedy whereof:

Sec. 1st. *Be it enacted by the General Assembly of the State of Tennessee,* That the aforesaid company, shall

be allowed a further time of six months, from and after the passage of this act, in which to finish and complete said road.

Sec. 2d. *Be it enacted*, That the aforesaid company ^{Width of the} shall be bound to open said road at least twelve feet ^{road} wide where from the situation of the ground over which it passes, the same must be digged, and where it may not require digging that it shall be opened at least twenty feet wide.

Sec. 3d. *Be it enacted*, That so much of the act ^{Repealing} which this is intended to amend, as comes within the ^{clause.} purview and meaning of this act, be and the same is hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

September 30, 1817.

CHAPTER VIII.

AN ACT for the relief of the Heirs and Representatives of William Quarles, deceased.

Sec. 1. *BE it enacted by the General Assembly of the* ^{County line} State of Tennessee, That the house and premises now ^{altered,} occupied by the Heirs and Representatives of William Quarles, deceased, shall be annexed to the county of Overton, and the Cumberland road, at that place shall be considered the dividing line between the counties of Overton and White: ^{Proviso} *Provided* always, that nothing herein contained, shall be so construed as to prevent the Sheriff of White county from collecting all arrearages, now against said estate, which may be due upon any process in his hands.

Sec. 2. *BE it enacted*, That all laws and parts of ^{Repealing} laws, coming within the purview and meaning of this ^{clause.} act, be, and the same are hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Sept. 25, 1817.

CHAPTER IX.

AN ACT respecting the personal estate of Calvin Wheaton, deceased.

WHEREAS it appears that Calvin Wheaton departed this life intestate, about seven or eight years since, ^{Preamble} in Williamson county, in this State, at the house now occupied by William Wilkinson, leaving several trunks and other articles of personal property; and no person

having taken administration on said property, and the said William Wilkinson, being desirous to have the said articles disposed of, or sold, therefore,

Notice to be
given of sale

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall, and may be lawful for the said William Wilkinson, after giving public notice, at the court-house in Williamson county, and at other places in his neighborhood, ten days before said sale, to expose to public sale, on a credit of nine months, all the articles of property, which may be in his possession, belonging to said Calvin Wheaton, at the time of his death, and to collect the money arising from said sale, and hold the same in his hands, subject to be paid over to the heirs and legal representatives of said deceased, when thereto he shall be required.

Return to be
made to the
court.

Sec. 2. *BE it enacted*, That said William Wilkinson, shall at the first term of the county court of Williamson county, after said sale, return to the clerk of said court, an account of the sales of said personal property, which return shall be on oath, and the same shall be recorded by said Clerk.

Court to al-
low for his
trouble.

Sec. 3. *BE it enacted*, That the court of Williamson county, are hereby authorised to make an allowance to said William Wilkinson, for his trouble and expense, in selling said property, and collecting the proceeds of the same, which sum so allowed to him he is hereby authorised to retain out of the proceeds of such sale.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

Oct. 9, 1817.

CHAP. X.

AN ACT for the relief of the commissioners appointed under an act entitled “*An act to establish the permanent seat of Justice in Rutherford County,*” Passed in October, 1811, and for other purposes.

Preamble.

Whereas it is represented to this General Assembly, that said commissioners have completed the duties assigned to them by the before recited act, and that the county court of said county upon examination of the account for the services of said commissioners, have made an allowance to the said commissioners for their services; and whereas it appears that the commissioners of the town of Murfreesborough, in pursuance of an act passed in the year 1815, have commenced and are now prosecuting an action against the said first commissioners in the circuit court of Rutherford county,

for the recovery of such sums as may be in their hands, without allowing them to retain the sum or sums allowed to them by the said county court for their services, therefore for remedy whereof :

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That so much of all or any act or acts as will prevent the first named commissioners from retaining in their own hands, the amount allowed to them by the county court of Rutherford county, be and the same are hereby repealed. Repealing clause.

Sec. 2. *BE it enacted,* That it shall be the duty of the present commissioners of the town of Murfreesborough, upon payment to them of any balance in the hands of the first named commissioners, if such there be after retaining the amount allowed by the County court of Rutherford for their services, to dismiss the said suit which is now depending, and pay the costs thereof out of the monies which may have been paid to them by said former commissioners, and if said commissioners shall fail to dismiss said suit, the defendants in the same are hereby authorized at the first term of the circuit court hereafter, to tender into court, such balance, if any there be, and to give this act in evidence, and if it shall appear upon trial, that the sum which by this act, is required to be paid, has been tendered, or is deposited in court, to give judgment for costs against said plaintiff's. On the old commission-
ers paying or
depositing
the balance,
new commis-
sioners to dis-
miss the suit.

Sec. 3. *BE it enacted,* That all laws and parts of laws, requiring any other, or additional duties from said first named commissioners, be, and the same are hereby repealed, and they are hereby declared to be out of, and dismissed from office. Old commis-
sioners decla-
red out of of-
fice.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate

October 11, 1817.

CHAP. XI.

AN ACT for the compensation of the members of a Court Martial, and those who were necessarily required to attend the same, which convened at Rutledge in the year 1816, for the trial of Brigadier General Geo. Doherty.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the president and members of the Court-Martial, which convened at Rutledge in the year of our Lord, one thousand eight hundred and sixteen, for the trial of brigadier General George Doherty, be allowed the sum of one dollar per day, for each day, they may have served on said court, and the fur- Allowance
to Members

the sum of one dollar, for every twenty-five miles they may have necessarily travelled, in going to, and returning from said Court Martial, on their producing to the treasurer of East Tennessee, a certificate from the Judge Advocate of said court, shewing the number of days they may have served, and the distance they may have travelled as aforesaid, which treasurer is hereby required to pay the same.

Allowance
to provost
marshal and
witnesses.

Sec. 2. *BE it enacted*, That the provost martial of said court; and each witness who was necessarily required to attend the same, be allowed the sum of one dollar, for each day they may have attended said court martial, and the like sum for every twenty five miles they may necessarily have traveled, in going to, and returning from the same, on their producing to the Treasurer of East Tennessee, a certificate from the Judge Advocate, shewing the number of days, and distance they may have traveled in going to, and returning from said court, who is hereby required to pay the same.

Allowance
to judge ad-
vocate.

Sec. 3. *BE it enacted*, That the Judge Advocate, who attended and served said court martial, shall be allowed the sum of two dollars and fifty cents per day for each day he may have served said court, and the like sum for each day he may have been allowed by said court to transcribe its proceedings, for the purpose of being presented to the commanding officer for approval; on his producing to the Treasurer of East Tennessee, a certificate from the President of said court martial, shewing the number of days he may have served, and the number of days he may have been allowed to transcribe its proceedings, and that he be allowed the further sum of two dollars, for stationary furnished said court, and said Treasurer is hereby required to pay the same.

How to be
paid.

Sec. 4. *BE it enacted*, That when any member of said court martial, witness, provost martial, or judge advocate, shall have produced to the Treasurer of East Tennessee, their said certificates as aforesaid, they shall receipt thereon for the sums to which they are severally entitled, whose said receipts as aforesaid shall be a good voucher to said Treasurer, in the settlement of his accounts with this state.

JAMES FENTRESS,
Speaker of the House of Representatives,

EDWARD WARD,
Speaker of the Senate.

Sept. 27, 1817.

AN ACT to repeal the second section of an act of the last General assembly, passed October 25, 1815, "entitled an act, granting additional powers to the commissioners of the town of Greeneville, and for other purposes.

Sec. 1: *BE it enacted by the General Assembly of the State of Tennessee;* That the before recited section be, and the same is hereby repealed. Section 26

Sec. 2. *BE it enacted,* That the commissioners of the town of Greeneville, are hereby authorised and empowered to sell and convey to Jesse Lincoln, at a fair valuation, part of an alley in said town, adjoining lots no. 78 and 67, not to exceed three poles in width, provided in the opinion of said commissioners, said sale would not injure the said ally, and *provided also,* that the money arising from the sale of such piece of ground should be appropriated to the use of the town school.

May sell part of an alley.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 3, 1817.

AN ACT to reduce the bounds of Rhea County.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, the boundaries of Rhea County shall be as follows, (to wit,) begining on the South Bank of Tennessee River, opposite the mouth of White's Creek in Rhea County, thence South thirty degrees East, to the southern boundary line of this State, thence West with said boundary line to a point opposite the mouth of Opossum creek that empties in on the north side of said river; thence a direct line to the mouth of said creek; thence north thirty degrees West to the extreme height of Waldens Ridge, thence east, with Bledsoe county line, until it intersects Roane County or Whites creek; thence down said creek, as it meanders, to the beginning.

New boundary line established.

Sec. 2. *Be it enacted,* That the lines and boundaries that are set forth in the first section of this act, shall be known and declared to be the established bounds of said county; hereby repealing all laws heretofore passed on the subject of designating the bounds of said county, any thing to the contrary notwithstanding.—

Provided, nothing herein contained shall be so construed as to authorize the making of any entry or survey, within the bounds hereby included in the county of Rhea, to which the Indian title is not at present extin-

Provide.

guished, until the same shall hereafter be directed by law.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

October 9th, 1817.

CHAP. XIV.

AN ACT for the regulation of the town of Charlotte, in Dickson County.

Commissioners to be elected.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Sheriff of Dickson county, or his deputy to open an election at the court house in the town of Charlotte, at one o'clock, on the first Saturday in April next, having previously advertised the same, ten days on said court house door, for the purpose of electing by ballott, seven suitable persons to act as commissioners for said town, in which election, every free male twenty one years of age or upwards, possessing a lot, or having been six months a resident immediately preceding said election, shall be entitled to vote ; and no person shall be eligible to the office of commissioner, unless he then be, and shall have been six months an inhabitant of said town, immediately preceding said election, and also, a proprietor of a lot in said town.

Their oath of office.

Sec. 2. *BE it enacted*, That said commioners, before they enter upon the duties of their office, shall take the following oath : I, A. B. do solemnly swear that I will faithfully execute, and discharge the office of commissioner of the town of Charlotte, to the best of my knowledge and abilities, so help me God.

Clerk to be appointed.

Sec. 3. *BE it enacted*, That said commissioners shall choose from their own body, a suitable person to preside at their meetings, who shall be known by the appellation of chairman, they shall also appoint a treasurer, and clerk ; and said treasurer shall keep a regular and just account of all monies received, and paid out by him, in a bound book kept for that purpose, which said book with the monies, then in the treasury, and other papers appertaining to said office, he shall deliver up to his successor ; and the clerk shall keep in a bound book, kept for that purpose, a true and regular account of the proceedings of said commissioners, and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary.

Vacancies how filled.

Sec. 4. *Be it enacted*, That a majority of said commissioners shall constitute a quorum, and whenever vacancies shall happen, by death, removal from town,

or otherwise, a notice thereof, by the chairman and clerk, shall be delivered to the sheriff, or his deputy, who shall proceed, as soon as may be required, to hold an election to supply such vacancy in the manner in this act directed.

Sec. 5. *Be it enacted*, That said commissioners shall have power to call on all the inhabitants in said town, who would be liable to work on roads, to work on and keep in repair the streets; to appoint an overseer thereof, who shall collect such fines from those that refuse or neglect to work, as are directed in similar cases respecting roads; to prevent encroachments in the streets or public square, and to abate or remove all nuisances whatsoever, at the expence of the party occasioning them; to appoint a surveyor for said town, who, whenever directed, shall proceed to survey and designate the lots, by fixing a stone at the principal corner of each; he shall also, make, or cause to be made out, a plan or map of said town, on a large scale, in which shall be marked the number of each lot, and the name of the person who originally possessed the same, which said plan he shall deposit with the said commissioners; to cause, as soon as said commissioners may deem it expedient, a market house to be built on said public square, the situation of which shall be at least sixty feet from any private lot.

Powers of
the commis-
sioners.

And to enable said commissioners to carry into effect the provisions of this act.

Sec. 6. *Be it enacted*, That they shall have power, and are hereby directed to lay a tax annually, not exceeding on each hundred dollars worth of town property which they are to estimate, twenty five cents; on each white poll, not exceeding twenty five cents; on each black poll, not exceeding fifty cents; on each billiard table, five dollars, which said tax shall be collected by warrant under the hands and seals of the Chairman and clerk, and directed to the collector, whom they may appoint, who is to be governed by the rules and regulations established by law for collecting and accounting for the state tax.

Sec. 7. *Be it enacted*, That said commissioners shall annually appoint one of their own body to receive lists of the taxable property of said town, at such time and place as may be pointed out by a board of said commissioners, and any person or persons, failing or neglecting to give into said commissioners, upon his reporting the same, shall be liable to the fines and penalties directed by law, in similar cases, for the collection of the state tax.

Sec. 8. *Be it enacted*, That no appropriation of

Money shall be appropriated only for town uses.

Money shall be made by said commissioners, except for the benefit or improvement of said town, agreeable to the directions of this act, or for defraying expences necessarily arising from the carrying the same into execution; and it is not to be understood, that said commissioners are to receive any compensation for their services.

Recoveries not provided for, may be sued for.

Sec. 9. *Be it enacted*, That where recoveries are not provided for by this act, it shall be lawful for said commissioners to sue for the same before any authority having cognizance thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 1, 1817.

CHAPTER XV.

AN ACT to incorporate the town of Blountsville, in the county of Sullivan.

Town incorporated.

Sec. 1. *Be it enacted by the general assembly of the state of Tennessee*, That the town of Blountsville, in the county of Sullivan, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the Mayor and Alderman, of the town of Blountsville, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold, real, personal and mixed property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Powers of the corporation.

Sec. 2. *Be enacted*, That the corporation aforesaid, shall have full power and authority to enact and pass such laws and ordinances necessary to preserve the health of the town, to prevent and remove nuisances, to establish night walks or patrols, to ascertain, when necessary, the boundary and location of streets, lots and alleys, to establish new streets, lanes and alleys, with the consent of the proprietors of the lots or houses joining the streets, lanes, and alleys, to provide for licensing and regulating auctions, to restrain and prohibit gaming, and to provide for licensing regulating and restraining theatrical, or other public amusements within said town, to keep in repair the streets, to pass all regulations necessary for the same, to establish necessary inspections within the town, to erect and regulate markets, to appoint a recorder and high constable, to provide for licensing and regulating a fire company, the sweeping of chimnies, by the neglect of which the safety of the town may be endangered; to impose and appropriate fines, penalties and

forfeitures for the breach of their bye laws ; to lay and collect taxes, for carrying the necessary measures into operation for the benefit of said town ; to regulate and restrain tippling houses ; and pass all laws and ordinances necessary to carry the intent and meaning of this act into effect. *Provided*, they are not incompatible with the constitution and laws of this state.

Sec. 3. *Be it enacted*, That the laws and ordinances of said corporation shall be in no wise obligatory upon the persons or property of non residents of said town, being citizens of this state, unless in case of intentional violation of bye laws or ordinances previously promulgated.

Laws not binding on strangers.

Sec. 4. *Be it enacted*, That all fines, penalties and forfeitures imposed by the laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before a single magistrate ; and if exceeding that sum, then to be recovered by action of debt, in the county court of Sullivan, in the name of the corporation, and for the use of the town.

Fines how recovered.

Sec. 5. *Be it enacted*, That the sheriff of Sullivan county shall hold an election, at the court house, in the town of Blountsville, on the last Monday of December in each and every year, for the purpose of electing seven persons to serve as Aldermen of the corporation of the said town of Blountsville, for one year commencing on the first day of January next thereafter, and all persons owning a freehold within said town, and also all persons residing in said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at said election for Aldermen, and no person shall be eligible to the appointment of Aldermen, unless he shall have a freehold in said town, and been a citizen thereof for twelve months previous to said election.

Sheriff to hold elections for Mayor and Aldermen.

Sec. 6. *Be it enacted*, That the seven persons qualified as aforesaid having the highest number of votes, at any election held as aforesaid, shall be taken as duly elected Aldermen for said town, and the sheriff of said county of Sullivan, shall within two days thereafter, notify said Aldermen of their election, whose duty it shall be to meet at the court house, in Blountsville, on the Saturday next succeeding the day of their election, and any number, not less than five, shall constitute a quorum, and they shall then proceed to select by ballot one of their own number to be mayor of the said corporation, for the sametime as Alderman as aforesaid, and whenever any mayor of said corporation shall die, remove out of said town, or resign, another election shall be made by the Aldermen in the

Aldermen to elect the Mayor.

manner aforesaid, of another person for the time then unexpired, until the next general election of Aldermen, and when any Alderman shall die, remove, or resign, such vacancy may be filled by the Mayor and Aldermen of said town, at any regular meeting, and the person or persons by them appointed shall serve until the next election.

Town enlarged,

Sec. 7. *Be it enacted*, That all the lots heretofore laid off and sold by John Tipton, shall be included in said corporation, and shall hereafter become part of said town, and shall be subject to the same rules regulations and restrictions, that other town lots are.

Former law repealed.

Sec. 8. *Be it enacted*, That all laws, and parts of laws heretofore made for the regulation of the town of Blountsville, be, and the same are hereby repealed; and this act shall commence and be in force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

October 13th, 1847.

CHAP. XVI.

AN ACT to amend "an act for the relief of insolvent debtors with respect to the imprisonment of their bodies," passed October, 1841.

Debtors entitled to prison rules on giving bond.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That whenever any person shall be arrested upon any process of execution issued by any Justice of the Peace or by any court of law or equity, and shall be committed to jail, such person shall be entitled to the benefit of the prison rules of said county, which shall be established by the court of said county, upon giving bond, with sufficient security, in double the amount due upon such execution, payable to the officer into whose hands such execution shall be placed for collection; and if such execution shall have issued from a Justice of the Peace, or from the county court, such bond shall be returned into the office of the clerk of the county court of the county in which such judgment shall be obtained, and if the same shall have issued from any other court, the said bond shall be returned, by the officer taking the same, into the clerk's office of the court from which the execution issued; the condition of which bond shall be that the debtor, in said execution, shall well and truly keep within the prison rules established and laid off by the court of the county, until he shall have paid and satisfied the said debt, interest and costs, or be discharged by due course

of law, said bond shall be assigned by the officer taking the same, to the plaintiff in said execution, and if any person after entering into bond and security as aforesaid, shall escape out of the bounds or prison rules of said county, before he shall have paid the debt, damages and costs, or without being discharged by due course of law, it shall be lawful, and full power and authority is hereby given to the court, where such bond is lodged, upon motion of the plaintiff in said execution, to enter up judgment, and award execution against such principal debtor, and his securities, for the principal judgment, and all interest and costs thereon, and on such judgment no person shall be entitled to the benefit of the prison rules; *Provided*, that before entering up such judgment on said bond, ten days previous notice in writing shall be served on such obligors. *Provided* also, that if the principal debtor shall have removed, or have absconded from the country, personal notice need not be served on him.

Promisor,

Sec. 2. Be it enacted, That it shall be lawful for the county court of each county in this state, from time to time, to lay off the bounds or prison rules for each county, which shall include the public buildings in said county, and the public square if such there be, and the most suitable and convenient springs of good water, with power to alter the same when to them it shall appear proper, and shall cause a record of said bounds or prison rules to be made in the clerks office of the county, of which a copy shall be furnished to and be constantly kept by the Sheriff and Jailor of each county, for the information of persons having the benefit of the prison rules.

Courts to lay off bounds.

Sec. 3. Be it enacted, That all persons, as well those who have been in close prison, as those who have taken the prison bounds, are hereby declared to be entitled to the benefit of the laws made for insolvent debtors.

All prisoners for debt entitled to the benefit of the insolvent laws.

Whereas although the keepers of Jails are bound by law to provide suitable diet for prisoners committed to their charge, yet it frequently happens that after having been subjected to much expence and trouble they cannot collect the amount due them for such expence and trouble, therefore:

Preamble,

Sec. 4. Be it enacted, That in every case where any prisoner hath been, or shall be committed to any jail upon any *mesne* or final proces in a civil cause, it shall be the duty of the plaintiff in such cause, at the expiration of fifteen days, to pay to the jailor, in whose charge such prisoner shall have been, the full amount of his fees for the preceding fifteen days, and upon his failing

Plaintiff to pay jailor,

to make such payment it shall and may be lawful for such Jailor to discharge and set at liberty such prisoner.

Who may
recover a-
gainst him, if
he fails or re-
fuses.

Sec. 5. *Be it enacted*, That in every case where the Jailor shall have discharged a prisoner for the cause mentioned in the preceding section, it shall be the duty of the tribunal from which the process issued upon which such imprisonment took place, upon application of the jailor, to award judgment and execution against the Plaintiff, who caused such imprisonment, for the full amount of the fees due for such imprisonment.

Plaintiff to
be reimburs
ed by defend-
ant.

Sec. 6. *Be it enacted*, That in every case where a Plaintiff shall have paid the fees to a jailor, either voluntarily or by compulsion, he shall be entitled to receive and collect such fees in the same manner, and at the same time that the other costs is received and collected of the defendant.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

October 1st, 1817.

CHAP. XVII.

AN ACT to amend the Law for the removing and safe keeping of prisoners in this state.

Judges may
commit to
jails out of
the circuit.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, it shall be lawful for the judges of the several circuits in this state, to commit any prisoner for safe keeping to any jail in any adjoining circuit, *Provided* said Judge, may believe the jail of the county where the trial of such prisoner is to be had, is insufficient for the safe keeping of such prisoner, and *Provided* also, that said Judge should think it less burthensome and expensive, for the citizens of the county, to remove such prisoner to some strong jail in some adjoining circuit, than it would be to remove such prisoner to a sufficient jail in the circuit wherein the trial shall be had.

And so may
Justices.

Sec. 2. *Be it enacted*, That where any justice of the peace shall commit any person for any offence which is cognizable in the circuit court, and shall be of opinion that the jail of his county is insufficient, it shall be his duty and he is hereby authorized to commit such prisoner to any strong jail, either in or out of his circuit, in which such justice lives, that he may think least burthensome and expensive to the citizens of his county.

Sec. 3. *Be it enacted*, That power and authority is

herby given to the judges of the court of Errors and Appeals, to recommit defendants in state cases, from the court of appeals to the respective circuit courts, when it may appear necessary, and to take recognizances from such defendants, when the offence charged is a bailable offence, with such security as they shall judge proper.

Judges of the
supreme court
authorized
to recommit
offenders.

JAMES FENTRESS,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

October 16, 1817.

CHAP. XVIII.

AN ACT to appoint an additional Commissioner to the town of Pulaski, and for other purposes.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That Hardy Hightower, Esquire, be, and he is hereby appointed an additional commissioner for the town of Pulaski, in the county of Giles, with the same powers, rights and privileges, which the commissioners heretofore appointed for said town have and possess.

Additional
commissioner
appointed.

Sec. 2. *BE it enacted,* That the commissioners of the town aforesaid, are hereby authorized, and empowered to have the Court House of said town posted and railed in, at such a distance, on the public square from the Court House, as the commissioners of said town, in their discretion, may think right, with proper gates, or stiles, facing the doors of said Court House, for the convenience of passengers.

To improve
the public
square.

Sec. 3. *BE it enacted,* That the commissioners aforesaid, are hereby authorized to sow in grass, and set in shade trees, such a portion of the public square, as may be by them posted and railed in as aforesaid, in such manner and in such proportion as they may deem right.

Sec. 4. *BE it enacted,* That for the performance of the work and labour contemplated by the second and third sections of this act, the commissioners are hereby directed to let the same to the lowest bidder, under such rules and regulations as they may deem proper, the undertaker giving to the said commissioners, bond with approved security for the faithful performance of the work.

Sec. 5. *BE it enacted,* That to defray the expences for the work contemplated by this act, the commissioners aforesaid, are hereby authorized to apply any monies in their hands, received on account of the proceeds

of the sale of the lots in said town, not otherwise appropriated.

Sec. 6. *BE it enacted* That this act shall take effect, and be in force from and after its passage.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

September 29, 1817.

CHAP. XIX.

AN ACT to alter the places of holding separate elections therein mentioned.

BE enacted by the General Assembly of the State of Tennessee, That the separate election heretofore established and held at the house of William Phillips in the county of Giles, be altered, and that in future said election be held at upper Elkton in said county, and that the separate election heretofore established and held at Roslin, in the county of Stuart, be altered, and that in future said election be holden at the house of Philip Hornberger in said county, and that said elections, be holden under the same rules and regulations as heretofore prescribed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

September 23d, 1817.

CHAP. XX.

An act making a change in the bounds of Anderson County, and adding part thereof to Campbell.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act, the line herein after mentioned, shall be the dividing line between the counties of Anderson and Campbell, that is to say: beginning on Clinch River, at the first bluff above the island for thence with the dividing ridge between Cave and Cole creek to Wallen's Ridge, and then with Wallen's Ridge, to the line run by William Hogshead under the act of Eighteen Hundred an Eleven, then with that line to New River, then down New River to the mouth of Smoky Creek, then to the dividing ridge which divides the waters of New River and Brimstone, so as to leave Smoky Creek in Anderson county, then with said dividing ridge to a point one half mile above the mouth of Brimstone, leaving the waters of New River in Campbell county, and the waters, of Brimstone in Anderson

New line to be run.

County ; from thence north forty five degrees west to the Kentucky line ; and that tract of country which lies north and east of the before described line shall compose and be a part of the county of Campbell.

Sec. 2. *Be it enacted*, That the County of Campbell shall defray all expences incident to the running said line, whenever the county court of Campbell shall deem the running necessary. *Provided*, nothing in this act shall be so construed as to prevent the proper officer of the county of Anderson from collecting any taxes that may be due in the tract of country hereby annexed to the county of Campbell.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

September 24th, 1817.

CHAP. XXII.

AN ACT to appoint additional Trustees to the Dixon Academy in the county of Bedford.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Theoderick F. Bradford and Jesse Evans be, and they are hereby appointed, additional Trustees for the Dixon Academy, in the county of Bedford, and they are hereby vested with the same powers and privileges, which are given by law to the trustees heretofore appointed for said Academy.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

September 23d, 1817.

CHAP. XXIII.

AN ACT to authorize the Secretary of State to seal and countersign certain grants therein named.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Secretary of this state, to affix the Great Seal of this state to, and countersign all grants which have been heretofore made out by the Register of East Tennessee, or by the Register of West Tennessee, for land in this state, and which shall have been signed by Willie Blount, late Governor of this State, and which have not been sealed with the seal of this state, and countersigned by the Secretary ; and all such grants, so sealed and countersigned, shall be recorded in the office of the Register, from whose office the same issued, and be as good and valid to all intents and purposes,

as if the same had been sealed with the seal of this state and countersigned by the secretary at the time the same were signed by the Governor.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

September 22d, 1817.

CHAP. XXIII.

AN ACT to alter the line of Jefferson and Cocke counties.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Jefferson & Cocke, be and the same is hereby altered, so as to include an island in French Broad river, lately known, by the name of Kenney's Island now Carter's Island in the county of Cocke; then with the present line of said counties to the line of David Beck's land, on the south side of said river, then south to the lines of said counties, adding the land of David Beck to the county of Jefferson. *Provided,* nothing herein contained shall be so construed as to prevent the Sheriffs of said counties from collecting the tax now due in the said counties, and accounting for the same in the same manner as if this law had not been passed.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

October 11th, 1817.

CHAP. XXIV.

AN ACT to authorise the commissioners who superintend the building of the new Court House, in the town of Clinton, to draw from the commissioners of the town of Clinton, certain monies therein named, and for other purposes.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the present commissioners who superintended the building of the new Court House in the town of Clinton, are hereby authorized to demand and receive from the commissioners of the town of Clinton, all monies in their hands which they may have recieved on account of the sales of lots in said town, or which they may hereafter receive.

New commissioners to demand money the lots sold for.

To sue for if not paid.

Sec. 2. *Be it enacted,* That should the commissioners of the town of Clinton, upon demand made for the monies aforesaid, fail, or refuse to pay over the same, the commissioners who superintend the building of the

new court house, in the town of Clinton, are hereby authorised to institute a suit, or suits for the recovery of the same, in any court of record, having jurisdiction thereof.

Sec. 3. *BE it enacted*, That it shall be the duty of the commissioners who superintend the building of the new court house, in the town of Clinton, upon receiving the monies aforesaid, to apply the same to the building of the new court house in the said town of Clinton.

And how to apply it.

Sec. 4. *BE it enacted*, That the commissioners, who superintend the building of the new court house in the town of Clinton, be, and they are hereby authorised, on giving twenty days notice, by advertisement in the town of Clinton, to sell to the highest bidder, on the public square, in said town, all the logs and other materials belonging to the old court house in said town, which court house, when sold, shall be removed from off the Public Square of said town, at the expence of the purchaser, within sixty days after such sale, and the proceeds of the sale, when made as aforesaid, shall be applied by the commissioners aforesaid to the use of the new court house.

To sell the old court house.

Sec. 5. *BE it enacted*, That this act shall be in force, from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

September 24, 1817.

CHAP. XXV.

AN ACT for the relief of Daniel Gunn.

Whereas it appears to this General Assembly, that an entry was made in the office of the first Surveyor's district, on the 20th October 1809, for fifty acres, No. of location 4036, in the name of Samuel E. Alexander, upon certificate warrant No. 174 for 583 acres, which entry or location was sold and assigned by said Alexander to John Watson, the 1st of March, 1810, and the same was sold and assigned by said John Watson on the 16th of October, 1810, to the said Daniel Gunn, and possession of the said land given to said Gunn. And whereas said Samuel E. Alexander has removed to parts unknown; and said John Watson has departed this life without any transfer on a plat and certificate of survey made on said entry, and the sale and assignment having been made on a separate paper before the said entry was surveyed, wherefore, and for remedy to the said Daniel Gunn—

Preamble

Sec. 1st. *Be it enacted by the General Assembly of the*

State of Tennessee, That it shall be lawful for the Register of West Tennessee, to make out a grant to the said Daniel Gunn, upon a survey made in pursuance of said entry: *Provided*, said warrant shall not appear to be withdrawn from said entry, and shall be a good and valid warrant, and—*Provided also*, that nothing in this act contained shall prejudice the right of said Samuel E. Alexander, and the heirs of said John Watson.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 15th, 1817.

CHAP. XXVI.

AN ACT to provide for removing the seat of Justice in Jackson county, to the centre.

WHEREAS, it is represented to this General Assembly, that the seat of Justice in the county of Jackson, is in a bend of Cumberland river, and a considerable distance from the centre, and many of the good citizens of said county have to labor under hardships, and inconvenience in attending the same, for remedy whereof:

Election to be held and if a majority votes for the centre seat of justice to be moved.

Sec. 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That the sheriff of Jackson county is hereby required, on the first Thursday and Friday in August next, to open and hold an election in Jackson county, at all the places now appointed by law to hold elections, when and where all persons who are entitled to vote for Governor, members to Congress, members to the General Assembly, &c. shall be entitled to a vote, and at said election the sheriff shall put Williamsburg, the present place of holding courts in Jackson county, and the centre of said county, in nomination; which said election, shall be conducted under the directions of said sheriff and a sufficient number of inspectors, to be appointed by the county court for that purpose, and which election shall be conducted under the same rules, regulations and restrictions as other general elections are held; and if, upon counting out the votes and properly comparing them, a majority of the votes of said county shall be in favor of removing the seat of Justice to the centre; it shall be moved accordingly, and if a majority of the votes shall be in favor of continuing the seat of Justice, it shall remain at WILLIAMSBURG.

Sec. 2. *BE it enacted*, That when it is ascertained that a majority of the people of Jackson county, is in favor of removing their seat of Justice, by a comparison

of the polls of said election, the commissioners hereafter to be appointed by this act, shall select the most eligible situation, and as near the centre as it is practicable to get good water, and lay off a county town in Jackson county, first having procured from any person or persons, who may own the land where the scite is settled, a good and sufficient title for forty acres of land for that purpose.

Land to be procured for a town.

Sec. 3. *BE it enacted*, That when the town shall be so laid off, the said commissioners shall advertise the same in the Carthage Gazette, and Knoxville Register, the time and place of the sale of the town lots, which notice and advertisement shall be at least thirty days before the sale shall take place, and they shall proceed to sell the said lots at twelve months credit, taking bond and good security of the purchasers, and shall make deeds in fee simple to the purchasers.

Sale of lots to be advertised.

Sec. 4. *BE it enacted*, That it shall be the duty of said commissioners, or a majority of them to contract with some suitable person or persons to build a court house, prison and stocks, and the money arising from the sale of said lots, shall be appropriated to that purpose, after paying for the land purchased for said town, and if the money arising from the sale of the aforesaid lots is insufficient to pay for the land, and also for the court house, prison and stocks, it shall, and may be lawful, for the county court of Jackson county, (a majority of the acting justices being present) to lay a county tax on every description of taxable property in their county, not exceeding the state tax, which may be continued from year to year, until a sufficient sum is collected to answer the purpose intended, and which tax shall be collected by the sheriff of Jackson county, under the same rules, regulations, &c. as he is bound to collect other taxes and public dues, and shall receive the same fees, and said monies when so collected, shall be paid by said sheriff to said commissioners, and upon failure thereof, he shall be liable to judgment upon motion, at the instance of the commissioners, in the same manner as judgments are taken against him in other cases.

Public buildings to be contracted for.

Court to lay tax.

Sec. 5. *BE it enacted*, That before the said commissioners shall proceed on the duties of their appointment, they shall enter into bond to the Governor, and his successors in office, in the sum of six thousand dollars, conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the clerk of the county court, and be by him recorded.

Commissioners to give bond.

Sec. 6. *Be it enacted*, That Philip Mulky, Thomas Butler, William Scantling, James Perry, Joseph Haw-

Commissioners named.

kins, James Vance, Alexander Keith, Esquire, James W. Smith, and William Rash, Esquire, shall be, and they are hereby appointed commissioners to carry this act into operation, and a majority of them, shall be competent at all times, to transact any business required by this act; and before they enter upon the duties of their appointment; they shall take an oath or affirmation, to act to the best of their skill and judgment, in all the duties required of them.

To be sworn

Gainsboro'.

Courts to be adjourned thereto.

Sec. 7. *BE it enacted*, That when said town is laid off and established, it shall be known by the name of Gainesboro', in honor of Major General Edmund P. Gaines, and as soon as the court house shall be erected and received by said commissioners, the justices of the county court for said county, shall adjourn said court and all proceedings therein, to the said town of Gainesboro, and from thenceforth, it shall be the seat of Justice for Jackson county, and all elections that are now holden by law, at the town of Williamsburg, shall be holden at the court house in Gainesboro'.

Surveyor to be employed if necessary.

Sec. 8. *Be it enacted*, That if the commissioners under this act, cannot correctly ascertain the centre of Jackson county in any other way, they are hereby authorised to employ some surveyor, and a sufficient number of chain carriers, to run out said county and ascertain the centre; and said surveyor shall make out three fair plats of said county, and deposit one in the clerks office of said county; one shall be for the use of the commissioners, and the surveyor shall preserve the other.

Sec. 9. *Be it enacted*, That when the county is centred, if an eligible situation cannot be found nearer the centre than Williamsburg, then, and in that case, Williamsburg shall continue to be the seat of Justice for said county.

Vacancies how filled.

Sec. 10. *BE it enacted*, That in case of death, resignation, or removal of any of the commissioners appointed by this act, or if any of them shall refuse to act, it shall and may be lawful for the balance of said commissioners to proceed to elect one by ballot, to fill up such vacancy, and when so elected and sworn, they shall be as competent to act, as if they had been first appointed.

Compensation to surveyors, &c.

Sec. 11. *BE it enacted*, That if it should become necessary to employ a surveyor and chain carriers to run out Jackson county, they shall receive the following compensation, to wit: the surveyor two dollars and fifty cents per day, each chain carrier one dollar per day, out of any monies in the hands of the commissioners, either by sales of lots, or by a tax laid by the county court.

Sec. 12. BE it enacted, That the commissioners ^{Commissioners} shall receive such a compensation as the county court ^{erstobepaid} of Jackson may allow, out of the monies aforesaid.

Sec. 13. BE it enacted, That the said commissioners ^{To appoint} shall appoint one of their own body as chairman of said ^{a chairman} commissioners, and shall take all notes, bonds, &c. in his name, as chairman aforesaid.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 6, 1817.

CHAPTER XXVII.

AN ACT to authorise the persons therein named, to peddle without license.

WHEREAS, Christopher Brooks, Moses Swan, Solomon Brewer, James M'Maken, Swain W. Woollard, Leonard Hathaway, Isaac Ruth, and Isaac Layman and John Pritchell, Pleasant D. Mitkiff, Alexander Smith, Lemuel Turner, Thomas Hudeburg, William Freeman, Hugh Stewart, Pugh Cannon, and James Brown, on account of their bodily infirmity are unable to pursue the ordinary means of procuring a living by labor, and have petitioned this General Assembly, for leave to hawk and peddle through this state without paying a tax for a license; and whereas, it appears that they do not possess sufficient property to pay said tax, without injury to themselves and families, therefore,

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That the said Christopher Brooks, Moses Swan, Solomon Brewer, James M'Maken, Swain W. Woollard, Leonard Hathaway, and Isaac Ruth, and Isaac Layman, and John Pritchell, Pleasant D. Mitkiff, Alexander Smith, Lemuel Turner, Thomas Hudeburg, William Freeman, Hugh Stewart, Pugh Cannon, and James Brown, are hereby authorised to hawk and peddle through this state, without paying any tax for a license for that purpose: *Provided* the said persons, before they proceed to peddle or hawk, shall apply to the clerk of the county in which they respectively reside, and take and subscribe the following oath or affirmation (as the case may be,) I, A. B. do solemnly swear or affirm, that I will not directly, nor indirectly vend or sell the goods of any other person, but that the articles by me intended to be sold and vended, are my own right and property, nor will I privilege or authorise any person to peddle or hawk for me, under the provisions of this act, so ~~HELP ME~~ ^{HEP} ~~ME~~ ^{ME} GOD. Upon

such oath being taken, the clerk is hereby required to issue a license to such applicant as contemplated by this act.

Persons heretofore exempted to take a similar oath.

Sec. 2. *BE it enacted*, That it shall be the duty of all persons to whom privilege has heretofore been granted, to hawk and peddle without paying a tax for a license, before such persons, or any of them, shall proceed to hawk and peddle, after the first day of January next, to make a similar application to the clerk of the county in which they respectively reside, and take a similar oath, and take a similar license with that contemplated within this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 23, 1817.

CHAPTER XXVIII.

AN ACT for the relief of William H. Doak and Samuel Elam.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the treasurer of West Tennessee is hereby authorized to pay to William H. Doak, administrator of the late Col. John Doak, the sum of twenty six dollars and eighty cents for the attendance of said deceased, as a member of the Court Martial lately held for the trial of Maj. General John Cocke; and that the said Treasurer pay to Samuel Elam, fifteen dollars in full for his services in attending said trial, as a serjeant, and that the receipts of the said William H. Doak, and Samuel Elam, shall be sufficient vouchers in the settlement of the accounts of said Treasurer.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

September 26th, 1817.

CHAP. XXIX.

AN ACT to authorize a sepearte election in the town of Lancaster in the County of Smith.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the sheriff of Smith County by himself or deputy, on the days appointed by law for holding elections, to open and hold a sepearte election in some house in the town of Lancaster in said county, for the purpose of electing a Governor, members to Congress, Electors to elect

President and Vice President and members to the State Legislature, which election shall be held and conducted under the same rules and restrictions that similar elections are in this state.

JAMES FENTRESS,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate

October 14th, 1817.

CHAP. XXX.

AN ACT to incorporate the inhabitants of the town of Murfreesborough, in the county of Rutherford.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Murfreesborough, in the county of Rutherford, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the town of Murfreesborough, and shall have perpetual succession, by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Town incorporated.

Sec. 2. *Be it enacted,* That the corporation aforesaid shall have full power and authority to enact and pass such laws and ordinances, necessary and proper to preserve the health of the town, prevent and remove nuisances, to establish night watches and patrols, to ascertain when necessary, the boundary and location of streets, lots and alleys; to establish new streets, lanes and alleys with the consent of the proprietors of the lots or houses adjoining such streets, lanes and alleys; to provide for licensing, and regulating auctions; to restrain and prohibit gaming; and to provide for licensing, taxing, regulating, or restraining theatrical or other public amusements, and shows, within the town; to pave and keep in repair the streets; to pass all laws necessary for the same; to establish necessary inspections within the town; to erect and regulate markets; to appoint a recorder and town constable; to provide for the establishment and regulation of a fire company or companies, and the sweeping of chimnies; to erect and regulate pumps on the public square, streets, lanes and alleys, or convey water from the vicinity into the town; to impose and appropriate fines, penalties and forfeitures, for the breach of their bye laws or ordinances; to lay and collect taxes, for the purpose of carrying the necessary

Powers of the corporation.

measures into operation for the benefit of said town; to restrain tippling houses, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect: *Provided*, they are not incompatible with the constitution and laws of this state.

Laws not binding on strangers. Sec. 3. *Be it enacted*, That the laws and ordinances of said corporation, shall be in no wise obligatory upon the persons or property of non residents of said town, being citizens of this state, unless in case of intentional violation of byelaws or ordinances previously promulgated; provided nevertheless, the property of such non residents shall be taxed as other property in said town.

Fines how recovered. Sec. 4. *Be it enacted*, That all fines, penalties and forfeitures imposed by the bye laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before a single magistrate; and if exceeding that sum, then to be recovered by action of debt in the county court of Rutherford, in the name of the corporation and for the use of the town.

Sheriff to hold elections for Mayor and Aldermen. Sec. 5. *Be it enacted*, That the sheriff of Rutherford county shall hold an election at the court house in the town of Murfreesborough, on the first Monday in January, 1818, and on the same day in each and every succeeding year, for the purpose of electing seven persons to serve as Aldermen of the corporation of the said town of Murfreesborough, for one year commencing on the second Monday of the same month thereafter; and all persons owning a freehold in said town, and also all persons residing within said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said election for Aldermen, and no person shall be eligible to the appointment of Alderman, unless he be a citizen and freeholder of said town of Murfreesborough.

Aldermen to elect the Mayor. Sec. 6. *Be it enacted*, That the seven persons qualified as aforesaid having the highest number of votes at any election held as aforesaid, shall be taken to be duly elected; and the sheriff of the said county of Rutherford shall within two days thereafter give to each of the seven Aldermen elect a certificate of his election; and it shall be the duty of the persons so elected to meet at the court house in the said town, on the Saturday next succeeding the day of their election, and the Aldermen shall there meet as aforesaid any number, not less than five, shall be a quorum and they shall then proceed to elect by ballot one of their own number to be Mayor of said corporation for the same time for

which the Aldermen were elected as aforesaid, and whenever any Mayor of the said corporation shall die, remove out of the said town or resign, another election shall be made by the Aldermen in the manner aforesaid of another person for the time then unexpired until the next general election of Aldermen, and whenever any Alderman shall die, remove, or resign, such vacancy may be filled up by the Mayor and Aldermen of the said town at any regular meeting, and the person or persons so appointed shall serve until the next election.

Sec. 7. *Be it enacted*, That the Mayor and Aldermen of said town shall, before entering upon the duties of their appointment, take an oath before some justice of the peace, of the county of Rutherford aforesaid, to faithfully, uprightly, and honestly demean themselves as Mayor and Aldermen of said corporation, during their continuance in office.

Mayor and Aldermen to act on oath.

Sec. 8. *Be it enacted*, That the town Constable, appointed by said corporation, shall continue in office for twelve months, from the time of his appointment, and shall, on entering upon the duties of his office, give bond and sufficient security to the Mayor and corporation for the time being, for the faithful discharge of the duties of his appointment, and accounting for all monies by him collected, and the Recorder shall continue in office during one year, and his compensation shall be regulated by the Mayor and board of Aldermen.

Constable to give bond.

Sec. 9. *Be it enacted*, That when any tax or duty shall be imposed upon any real property, lying within the bounds of said corporation, and not paid by the owner or occupier of the same, and there should not be any personal property of the owner or occupier of the said within the limits of said corporation, upon which the same could be levied, then it shall be the duty of the Recorder to certify the same to the county court of Rutherford, at the term to which the sheriff of said county is required to report lands in his county, on which the state and county tax has not been paid, and upon said report, at said term, it shall be the duty of the county court to enter judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non-payment of tax due the county and state, upon land lying in the said county, and the same shall be sold, at the same time, and in the same manner, and subject to the same rules, regulations and restrictions, that are by law required for the sale of lands lying within said county, on which the state and county tax is not paid; which tax when collected, by the sheriff as provided for in this sec-

Delinquents how to be proceeded against.

mon, shall be paid by him into the hands of the town constable for the use of said corporation; and which sale, when made, in manner aforesaid, shall vest the same right and title in the purchaser as if the sale had been made for taxes due to the state.

All town monies to be paid to the Mayor and Aldermen.

Sec. 10. *Be it enacted*, That the money and other property, if any, which has been received for the use of said town or in the hands of any other person, or persons, in the hands of the commissioners heretofore appointed by law for the town of Murfreesborough, shall belong to, and be vested in the Mayor and Aldermen of said corporation, for the use of said town, and the said commissioners are hereby authorised and required, to pay the same to the Mayor and Aldermen of said corporation, within fifteen days after they shall have been elected, whose receipts shall be good to the said commissioners for the same, and shall exonerate said commissioners from paying the same to any other person, or in any other manner whatsoever, any law to the contrary notwithstanding, and the said commissioners, the clerk to the said commissioners, and the treasurer to said commissioners and every other person or persons, having any public documents or papers, appertaining to the public concerns of said town, shall deliver the same to the Mayor and Aldermen of said town.

Power to lay & collect taxes

Sec. 11. *Be it enacted*, That the Mayor and board of Aldermen, of the corporation of Murfreesborough, shall have the power of laying and collecting a tax on Billiard Tables, kept for use in said town, not exceeding fifty dollars per annum; and also of laying and collecting a tax from persons who vend any articles, not of the growth, produce or manufacture of this state, on public days on the public square, or in the streets of said town, and shall have the power of laying and collecting all other necessary taxes as specified in the second section.

All debts & c owing to the town to be paid to the Mayor and Aldermen.

Sec. 12. *Be it enacted*, That all debts and demands due and owing, or which shall hereafter become due, which by law was required to be paid for the use and benefit of said town of Murfreesborough, shall be paid to the Mayor and Aldermen for such use, and they are hereby authorized to sue for and recover the same, according to law, in any tribunal having jurisdiction thereof.

Former law repealed

Sec. 13. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, heretofore made for the regulation of the town of Murfreesborough, be, and the same are hereby repealed; and this act shall commence and be in force from

and after the first day of January next. *Provided*, always that nothing in this act contained shall be so construed, to effect any suit or suits at law heretofore commenced by the commissioners of the said town of Murfreesborough.

JAMES FENTRESS,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

October 17th, 1817.

CHAP. XXXI.

AN ACT to alter the name of a town therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a town heretofore laid out on the lands of David Campbell, in the county of Knox, and established by the name of Lawrenceburgh, by an act of the General Assembly of this state, passed at Nashville, November 4th, 1815, shall hereafter be established and known by the name of Campbellton.

Sec. 2. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

JAMES FENTRESS,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

October 20th, 1817.

CHAP. XXXII.

AN ACT for the better regulation of Colleges in this State.

WHEREAS institutions of learning, both academies and colleges, should ever be under the fostering care of this legislature, and in their connexion with each other, form a complete system of education.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That all the academies of this state shall be considered as schools preparatory to the introduction of students into the colleges of this state.

Sec. 2. *BE it enacted*, That whenever a student shall enter college, he shall undergo an examination, before the Faculty, who shall, after such examination, assign to such student, his grade in college according to his qualifications.

Sec. 3. *BE it enacted*, That the president and trustees of neither of the colleges of this state, shall have the right or power to pass, or enact any bye laws that shall hinder any student that may enter either of the colleges, from advancement into the different classes.

ses according to his qualifications, but shall place him on equal footing with students that may have been exclusively taught in either of the colleges.

Colleges authorized to confer degrees.

Sec. 4. *BE it enacted*, That from and after the passage of this act, the different colleges by law, established in this state, shall have full power and authority to confer all such degrees, as are usually conferred by other colleges in any of the United States.

Sec. 5. *BE it enacted*, That this act shall take effect from and after its passing.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 20, 1817.

CHAPTER XXXIII.

AN ACT for the relief of William Mitchell.

WHEREAS, it is represented to this General Assembly, that William Mitchell, procured a license to erect a Billiard Table, from the clerk of Rutherford county court, some time in the month of September, 1816, and paid to said clerk the tax therefor, for one year: and, *Whereas* it is further represented that said William Mitchell, removed said Billiard Table to White county, before the expiration of said year, for which said tax was paid; and that John R. Foster, his agent, through mistake procured a license, and gave bond with William Simpson his security, for the payment of the tax in White county, upon which said bond, suit has been prosecuted, and is now depending in the county court of White—therefore:

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That upon the said William Mitchell producing the certificate of the clerk of Rutherford county court, shewing the payment of the tax for the erection of said Billiard Table, a credit shall be given upon the bond which is now in suit in said county of White, given as aforesaid by his agent John R. Foster with William Simpson his security, for the amount which was overpaid for the time which said Billiard Table was continued in Rutherford county, provided nevertheless, the said William Mitchell or the defendants, shall be bound to pay the costs in said suit.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 14, 1817.

AN ACT to authorise James Hudspeth of Maury county, to build a grist mill on Duck river.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That James Hudspeth, of the county of Maury, be, and he is hereby authorised to build a grist mill on, and to erect a dam across a part of Duck river, running on the north side of an island in said river, on the lands of said Hudspeth in said county of Maury.

May build a dam.

Sec. 2. *BE it enacted*, That if the said dam should obstruct the safe and easy navigation of the said Duck river, then, and in that case, the said James Hudspeth shall make or cause to be made good and sufficient locks or slopes in said dam, and keep the same in good repair for the safe and easy passage of boats and other water crafts, in ascending and descending said river, and if any boat, raft or other water craft, should be stopped by such dam, either descending or ascending said river, on due proof thereof, the said Hudspeth shall pay to the party injured, ten dollars for every twenty four hours, such boat, raft or other water craft may be detained by such dam, to be recovered before any jurisdiction having cognizance thereof.

Not to obstruct the navigation.

Sec. 3. *BE it enacted*, That said mill when built, shall be subject to the same rules, regulations and restrictions, that other public mills are subject to by the laws of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 1, 1817.

AN ACT for the the more speedy determination of suits, respecting the establishing of Ferries, and laying out Public Roads.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the different courts in this state, in which there now is, or hereafter may be depending, any suit or controversy for the establishing any ferry, or laying out any public road, to hear and determine such suit, or controversy, at the first term of said court after this time, or after such cause, or controversy shall be placed on the docket of said court, and it shall be the duty of said court, where any such cause is depending, or shall be depending, on the first or second day of said term, to set

Suits to be tried at the first term.

such cause, or causes for hearing on some particular day of that term, on which day such cause shall be taken up for adjudication.

Page's ferry
established.

Sec. 2. *BE it enacted*, That Absolom Page, be, and he is hereby authorised to keep a ferry from and after the passage of this act, over Cumberland river, below Nashville, at what is called Cripp's Old Ferry, and to open and clear out the road leading thereto, as laid out by a jury of view heretofore appointed by the county court of Davidson county, under such rules as to ferriage as other persons are subject to, or may be imposed by the county court of Davidson, notwithstanding any suit that may be pending in any court in said county, relative to said road and ferry, provided that nothing contained in this act shall have any effect on the decision or determination of any such suit, and provided also, that said Page, after the determination and decision of any such suit as may now be pending, shall be liable to pay such damages as any person or persons may sustain by reason of his opening and clearing out such road.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 20, 1817.

CHAP. XXXVI.

AN ACT to amend the laws heretofore passed, for the better regulation of the towns of Fayetteville and Shelbyville.

Commissioners prohibited from laying a tax on the vending of domestic manufactures.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall not be lawful for the commissioners heretofore appointed, or who hereafter may be appointed for the regulation of the town of Shelbyville, to lay a tax on any citizen, or citizens of the county of Bedford, who may wish to trade or sell in said town, their produce, or goods and wares of domestic manufacture.

Under what penalties.

Sec. 2. *BE it enacted* That if any commissioner, or commissioners, or other officer of said town, should presume to levy or collect any tax from such citizen, or citizens, such commissioner, or commissioners, or other officer, so levying or collecting such tax, shall forfeit and pay to the party, or parties injured, double the amount of such tax, with costs of suit, to be recovered before any jurisdiction having cognizance thereof, any law to the contrary notwithstanding.

Sec. 3. *BE it enacted*, That nothing in this act contained, shall be so construed as to authorise the viola-

tion of the bye-laws, for the suppression of disorderly conduct or behaviour in said town.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

Oct. 9, 1817.

CHAP. XXXVII.

AN ACT to alter the name of Zachariah Read, to Samuel D. Read.

WHEREAS Jones Read, esqr. of Davidson county, is desirous of altering the name of his son, Zachariah Read, to the name of Samuel D. Read, therefore:

BE it enacted by the General Assembly of the State of Tennessee, That the name of Zachariah Read, son of Jones Read, esqr. of Davidson county, be altered to that of Samuel D. Read, by which name he shall hereafter be called and known.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

October 20, 1817.

CHAP. XXXVIII.

AN ACT to lay off and establish a new county in this State.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of **MORGAN**, in honor, and to perpetuate the memory of the late *Major General Daniel Morgan*, to wit: Beginning on the top of Walden's Ridge, on the line of Roane and Anderson counties, thence south westwardly with the extreme top of said Ridge, within ten poles of the main Cumberland Turnpike Road, thence a parallel line with said Road, leaving the same ten poles to the south, to where Robert Johnston now lives, on the great Cumberland road, thence a direct course to the ford of the clear fork on Cumberland river, where Pile's Turnpike road crosses the same, thence due North to the Kentucky line, thence East with said line to the corner of Campbell county, thence with said line to the corner of Anderson and Campbell counties, near the head of smoky creek, leaving all the waters of smoky creek in Anderson county, and all the waters of Brimstone in Morgan county,

Lines and
boundaries,

thence to the beginning, so as to leave all the waters of new river in Anderson county, and all the waters of Emery in Morgan county.

Commissioners named.

Sec. 2. *Be it enacted*, That Daniel S. Saunders, John Triplet, William Davidson, sen. Lewis Rector and Elijah Rice, are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, fix on a place, the most convenient, for a court house, prison and stocks, for the use of the said county of Morgan, and after agreeing on the place, they shall proceed to purchase any quantity of land, not exceeding forty acres, for which they shall cause a deed or deeds to be made to themselves or their successors in office, on which they shall cause a town to be laid off, with necessary streets and alley's, reserving two acres, as near the centre as may be, on which the court house, prison and stocks shall be erected; which town shall be known by the name of MONTGOMERY, in honor of *Major Lemuel P. Montgomery*.

Land to be procured for a town.

To be called Montgomery.

Sale of lots to be advertised.

Sec. 3. *Be it enacted*, That when the town shall be thus laid off, the aforesaid commissioners are further required to advertise the sale, to the highest bidder, at a credit of twelve months, the lots of said town, giving thirty days previous notice, and shall take bond with sufficient security to themselves or successors in office, and shall make titles to the purchasers.

Public buildings to be contracted for.

Sec. 4. *Be it enacted*, That it shall be the further duty of the aforesaid commissioners, to contract with suitable workmen to build a court house, prison and stocks, and the money arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for the said court house, prison and stocks.

Court to lay tax.

Sec. 5. *Be it enacted*, That should the money arising from the sale of said lots prove insufficient to pay for such public buildings, then, and in that case, a majority of the acting justices in the said county of Morgan, shall in term time, have power, and are hereby authorised, to lay an additional county tax; not exceeding twelve and an half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty five cents on each black poll, fifty cents on each stud horse kept for covering mares, and twenty five cents on each town lot; the said tax to be laid from year to year, until a sufficient sum shall be collected, by the collector of the public taxes, on the same per cent as other county taxes, and shall pay the same to the aforesaid commissioners. and be by them applied to the payment of said public buildings, whose receipts shall be allowed in the settlement of his accounts.

Sec. 6. Be it enacted, That before the said commissioners enter on the duties of their appointment, they shall enter into bond, with sufficient security, payable to the Governor for the time being, in the sum of Twenty Thousand Dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of the said county of Morgan. Commissioners to give bond.

Sec. 7. Be it enacted, That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the county court of Morgan county, a just and fair statement of all the monies by them received, as well those expended with sufficient vouchers for the same, by virtue of their appointment, and the court shall make a reasonable allowance for their services, provided there shall be a majority of the justices of said county present when such allowance is made. Commissioners to be paid

Sec. 8. Be it enacted, That for the due administration of justice, that the court of pleas and quarter sessions shall be held in and for the county of Morgan, on the second Monday's of February, May, August, and November, and the justices of said county shall hold the first court at the house known by the name of the Indian Tavern, on the second Monday of February next, and all subsequent county courts for said county, on the days above mentioned for holding courts therein at the same place, until a court house be built in and for said county, and then all causes, matters, and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county, shall be held by commission to said justices, in the same manner and under the same rules and restrictions, and shall have, and exercise the same powers and jurisdiction, as are or shall be prescribed by, and for the courts of the several counties in this state. County co'ts when to be held.

Sec. 9. Be it enacted, That there shall be held in and for the county of Morgan, such a number of circuit courts, as are or may be prescribed for other counties in this state, which courts shall be held at the places where the court of pleas and quarter sessions are held, on the first Monday of April and November, and the first circuit court for said county, shall be held on the first Monday of April next, and all subsequent circuit courts for said county on the days above mentioned for holding the said courts therein. Circuit c'ts

Sec. 10. Be it enacted, That nothing herein contained shall be so construed as to prevent the collector of Proviso.

public taxes for Roane and Anderson counties, from collecting the tax that may be due for the year 1817, or that may become due before the said county of Morgan shall be organized.

Commissioners appointed.

Sec. 11. *Be it enacted*, That William Hogshead is hereby appointed a commissioner on the part of Anderson county, and Joseph M'Pherson a commissioner on the part of Roane county, and William Wall a commissioner on the part of Morgan county, to run the line contemplated in the first section of this act, who are hereby authorised to employ a suitable surveyor, and a sufficient number of chain carriers, to run out and mark the lines aforesaid.

Surveyors to be employed if necessary.

Commissioners how to be paid.

Sec. 12. *Be it enacted*, That the commissioner on the part of Roane county, shall be allowed for his services the sum of two dollars per day, to be paid by the treasurer, of Roane county, out of any monies in his hands not otherwise appropriated, whose receipt shall be good in the settlement of his accounts, and that the commissioner on the part of Anderson county, shall be allowed the like sum of two dollars per day, to be paid by the treasurer of Anderson county, out of the county monies, whose receipt shall be good in the settlement of his accounts, and that the commissioner on the part of Morgan county, shall be allowed the like sum per day to be paid by the treasurer of Morgan county, out of the county monies whose receipt shall be good in the settlement of his accounts.

Allowance to surveyors

Sec. 13. *Be it enacted*, That the surveyor and chain carriers, hereby authorised to be employed, shall be paid for their services by the treasurer of the county of Morgan, on a warrant from the commissioners aforesaid, out of the county monies, which shall be a good voucher in the settlement of his accounts.

Elections to be held.

Sec. 14. *BE it enacted*, That the election for governor, elector to elect a president and vice president, member to congress, and members to the state legislature, shall be held at the place of holding court in said county, on the days pointed out by law for other similar elections, and a return thereof, shall be made by the sheriff of said county, to the sheriff of Roane, on the next succeeding day of the said election, at the court house in Kingston, who shall compare the same with the Roane county election, and the said county of Morgan is hereby declared to compose a part of the third congressional district, a part of the senatorial district of which it heretofore belonged, and to be attached and united with the county of Roane, in sending a representative to the state legislature, and the said county of Morgan shall be attached to, and compose a part of the

second judicial circuit, and Bledsoe county shall be attached to, and compose a part of the third judicial circuit.

Sec. 15. *Be it enacted*, That the sheriff of the county of Morgan, is hereby authorised and directed, on the first Thursday and Friday in March next, to open and hold an election at the house, known by the name of the Indian Tavern, in said county, for the purpose of electing Field officers in said county, the militia whereof, shall constitute the 58th. regiment of the militia of this state, which regiment shall be attached to, and compose a part of the seventh Brigade and which election shall be held and conducted under the same rules regulations and restrictions, as other similar elections are in this state, Militia officers.

Sec. 16. *Be it enacted*, That there shall be laid off in said county of Morgan, eight militia companies, the citizens of which, who are liable to do militia duty, are hereby authorised, on the first saturday after the said companies shall be laid off and designated, to open and hold an election, at such house in the bounds of each company, as shall be designated, to elect their company officers, under the same rules, regulations, and restrictions, as other similar elections are held in this state, which houses for holding said elections and the different companies, shall be pointed out and organized by the commanding officer of the regiment.

Sec 17. *Be it enacted*, That Abraham M'Clellan, esq. Justices to and Solomon Geran, esqr. or either of them, are hereby authorised, and required to attend at the first court to be held for the county of Morgan, for the purpose of qualifying the members of said court. be qualified.

Sec. 18. *Be it enacted*, That this act shall take effect, and be in force from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

October 15, 1817.

CHAP. XXXIX.

AN ACT to release Robert Lyles and Thomas M'Keney, from a forfeited recognizance.

Be it enacted by the General Assembly of the State of Tennessee, That Robert Lyles and Thomas M'Keney, of the county of Roane, be, and they are hereby released, from the payment of a forfeiture entered against them, in the circuit court of Roane county, in the case of the State against John Blackwell, wherein they were the securities for the appearance of the said

Blackwell, as a witness in behalf of the state against John Frels, in consequence of said John Blackwell failing to appear and give evidence, as by his said recognizance he should have done, *provided* that the said Lyles and M'Keney, shall be subject to the payment of all costs that may have accrued, or may hereafter accrue in said action.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

October 15, 1817.

CHAP. XL.

AN ACT to provide for the land claims therein mentioned.

Preamble.

WHEREAS it appears to this General Assembly, that a military warrant for six hundred and forty acres, number 2447, issued by the state of North Carolina, to the heirs of Absolum Cowan, dated the 30th September, 1785, which warrant, it is represented was assigned to Thomas Hickman, upon which he made an entry, in the office of military lands, on the 4th June, 1796. And, Whereas it is represented to the General Assembly, that said warrant, has by some accident been lost or destroyed, without the same been granted by the state of North Carolina, Wherefore,

Tho's Hickman's claim.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That it shall, and may be lawful for the commissioner of West Tennessee, to examine the said warrant, no. 2447, and if it shall appear to him, that no grant was ever issued on said warrant by the State of North Carolina, and if it shall also appear that said warrant has never been examined, or passed by the commissioner of West Tennessee, and that said warrant is a good and valid warrant against this state; said commissioner is hereby authorised to issue to said Thomas Hickman, a warrant or certificate for the said amount of acres, which shall entitle him to enter that quantity of any vacant lands in this state subject by law to be entered, *provided* that nothing herein contained, shall in any manner prejudice the claim of the heirs of said Absolum Cowan, or any person claiming said warrant under them.

Preamble.

WHEREAS it is represented to this General Assembly, that Joseph Copeland, deceased, was entitled to a land warrant, no. 409, for six hundred and forty acres, issued from John Armstrong's office to Deyeux Gilliam, and that said warrant was surveyed

south of French Broad river, but that no grant ever issued on the said warrant and survey, which said warrant is filed in the secretary's office of North Carolina: and, whereas it appears that a mistake was made in the book, copied from the records of North Carolina, in representing that said warrant, was granted on said survey; wherefore, and for remedy whereof.

Sec. 2. BE it enacted, That it shall be lawful for the commissioner of East Tennessee, to examine a copy of said warrant, no. 499, for 640 acres, and issue a duplicate thereof to the heirs of Joseph Copeland, which shall entitle them to enter and obtain a grant for the same quantity of acres of vacant land, subject by law to be entered, provided that it shall appear from the records of the commissioners office, that said warrant has not been adjudged, and a duplicate thereof issued by this state.

Joseph Copeland's claim.

JAMES FENTRESS,

Speaker of the House of Representatives;

EDWARD WARD,

Speaker of the Senate.

October 14, 1817.

CHAPTER XLI.

AN ACT for the relief of the heirs and representatives of Asa Shute deceased, and for other purposes.

Sec. 1 BE it enacted by the General Assembly of the State of Tennessee; That the commissioners heretofore appointed by the circuit court of the county of Hickman to divide the lands belonging to the estate of Asa Shute, deceased, among the heirs and representatives of the said Shute, being duly qualified as by law directed, shall be, and they are hereby authorised to proceed to value and divide all lands belonging to the said heirs and representatives in this state, in the most convenient and equitable manner, regarding the interest of all the parties, and make return of the same to the said court, at the first term, after the division shall have been made, which court shall make to the commissioners so appointed; such compensation for their services, as may be thought right to be paid by the heirs and representatives.

Commissioners appointed in Hickman to divide lands in other counties.

Sec. 2. BE it enacted, That the said division, when so made, and returned as aforesaid, shall be as good, valid, and binding upon all the parties, as it would have been, had all the lands so divided, been situated in the county in which said commissioners were appointed.

Sec. 3. BE it enacted, That where the heirs or legal representatives of any deceased person shall inherit a-

General provision.

by real estate, and the same shall be situated in more counties than one, it shall and may be lawful for the county or circuit court of any county in which said land shall be, to appoint so many persons, (not less than five) as to said court shall seem proper to divide and allot all of said lands in this state, amongst the said claimants, and in making such partition, it shall and may lawful for such commissioners, to divide said estate by tracts, if said estate will admit of a division in that manner; or by dividing said tracts, or part thereof, into smaller parcels, as shall seem right to said commissioners, and to make division, as nearly equal as may be; which partition and allotment shall be returned to the next term of said court; and be acted on as in other cases.

JAMES FENTRESS,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

October 28, 1817.

CHAP. XLII.

AN ACT to establish a new county, west of Giles, and south of Hickman and Maury.

New county established.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the Territory, south of Hickman and Maury, and west of Giles county, shall constitute a county to be known by the name of Laurence county.

Its boundaries.

Sec. 2. *BE it enacted,* That said county of Laurence, shall be bounded as follows, to wit: beginning on the south boundary line of the state, where the west boundary line of Giles county intersects the same; then west with the state line so far, that by running north to the Duck river ridge, then eastwardly with the top of said ridge to the north west corner of Giles county, will include a constitutional county and no more.

Term of its courts.

Sec. 3. *BE it enacted,* That for the due administration of justice, the court of pleas and quarter sessions, and the circuit court in said county, shall be holden at the house of Doctor Joseph Farmer, until otherwise provided for, under the same regulations and restrictions, and shall exercise and possess the same power and jurisdiction, as possessed by said courts in other counties in this state.

Militia Officers.

Sec. 4. *BE it enacted,* That the sheriff of Laurence county, shall hold an election at the place appointed for holding courts in said county, on the first Thursday and Friday in March next, for the purpose of e-

lecting Field officers for said county of Laurence, under the same regulations and rules as are prescribed by law in similar cases, and the militia of said county of Laurence, shall constitute the fifty-seventh regiment, and shall be attached to, and become a part of the fifth brigade.

Sec. 5. *BE it enacted*, That it shall be the duty of the commandant of said fifty seventh regiment, having been first commissioned and sworn agreeable to law, to divide the militia of said regiment into at least eight companies, and it shall be the duty of said commandant to issue writs of election for company officers in said companies, giving at least fifteen days notice, in the company; which election shall be conducted in the same manner as in other cases for company officers.

Commanding officer to lay off bounds and order elections.

Sec. 6. *BE it enacted*, That said county of Laurence shall be a part of the district for electing a Governor, representative, or representatives to congress, elector to elect a President, and Vice President of the United States; and members to the general assembly, to which the county of Giles now belongs, and that elections be held at the place of holding courts in said county, at the time, and in the manner by law directed and the sheriff or returning officers of said county shall make return of the polls of said election to the sheriff of Giles county, in the town of Pulaski, on the day next succeeding each election, and upon comparing the votes they shall declare the candidate for the representative of said counties of Giles and Laurence, who may have the highest number of votes, and give a certificate accordingly, and it shall be the duty of the sheriff of Giles county, to make the return of votes in said counties of Giles and Laurence, for senator of said district, member of congress, governor &c. as heretofore directed by law.

Elections.

Sec. 7. *BE it enacted*, That it shall, and may be lawful for any justice of the peace for Giles county, to attend at the place appointed by law, for holding court in Laurence county, at the first court of pleas and quarter sessions, appointed to be holden for said county, for the purpose of administering to the justices of said county the necessary oaths.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 21, 1817.

CHAP. XLIII.

AN ACT to provide for the compensation of the jury

G

impaneled at Maury county circuit court, on the trial of William M'Gill.

Be it enacted by the general assembly of the state of Tennessee, That the trustees of Giles and Maury counties, shall; and they are hereby authorised, to pay to each of the persons; their heirs or representatives, who were impaneled in the circuit court, for Maury county, as a jury on the trial of William M'Gill, the sum of one dollar and twenty-five cents each per day, on their producing to said trustees, a certificate of the clerk of the circuit court of Maury county, shewing who were impaneled on said jury; the first six who were impaneled shall produce the aforesaid certificate to the trustee of Maury county, and be paid by him; and the remaining six shall produce a like certificate to the trustee of Giles county, who shall discharge their demands, and that the said certificate accompanied with the receipts of those persons, shall be a sufficient voucher on the settlement of their accounts with the commissioners appointed to settle with said trustees, by the respective county courts of Maury and Giles.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 6, 1817.

CHAP. XLIV.

AN ACT for the relief of William Donelson.

WHEREAS by an act of the state of North Carolina, passed in the year 1789, entitled "an act directing the sale of the salt licks and springs, with the adjoining lands in the district of Mero," the commissioners named in said act were directed to reserve two of said tracts for the use of Davidson Academy—And *Whereas*, the tract called *Gasper's Lick* tract, situate in Davidson county; otherwise called *Bunker's Hill* tract, was set apart as one of the tracts for said Academy, and was sold by the trustees of said Academy, on the 20th of January, 1806, at public sale, when George M. Deaderick became the purchaser, who has since sold the same to William Donelson: And *whereas* it appears, that no grant issued for said tract from the State of North Carolina to the trustees of said Academy or any other person.—Wherefore.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the Register of West Tennessee is hereby directed to issue a grant to William Donelson, and his heirs for the tract of land formerly called *Gas-*

per's lick tract in Davidson county, containing six hundred and sixteen acres, according to the following lines and boundaries ; Beginning at a Hackberry, the original south east corner ; thence north, crossing the lick branch at three hundred and twelve poles, in all three hundred and 14 poles to an elm, old corner ; thence west, three hundred and fourteen poles to two beeches, old corner ; thence south three hundred and fourteen poles to a stake, between two beeches and a horn-beam, the old corner, a white oak dead and down ; thence east three hundred and fourteen poles to the beginning.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 27, 1817.

CHAP. XLV.

AN ACT for the relief of those who have not had their deeds of conveyance, of trust, mortgages, powers of attorney, bills of sale, grant or grants, &c. proved and registered within the time required by law, and giving further time for the registration of such instruments of writing.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons holding deeds for conveyance of land, deeds of trust, of mortgage, powers of attorney and bills of sale, which have not been proved and registered within the time, heretofore prescribed by law, shall be allowed to prove, or acknowledge and register the same at any time hereafter, and such registration when made, shall be available in law, to vest the title from the date of such conveyance as against the grantor, bargainor, and all others, who may have purchased with notice of such conveyance, mortgage or deed of trust.

Registration of to be good against makers & subsequent purchasers with notice.

Sec. 2. *BE it enacted,* That all deeds for the conveyance of lands, mortgages, deeds of trust, powers of attorney and bills of sale, which may have been executed within twelve months before the passage of this act, and all deeds for the conveyance of lands, mortgages, deeds of trust, powers of attorney and bills of sale, which shall hereafter be executed, may be proved or acknowledged, and registered at any time agreeable to the laws now in force on that subject, and the same shall be held good and valid in law and equity against the claim or demand of the grantors, bargainors, or makers thereof, and against the claim or demand of all subsequent purchasers, with notice of such deeds, powers of

attorney, or bills of sale, and against the claim, interest or demand of all, and every person or persons, whatsoever: *Provided*, the same shall have been proven, or acknowledged and registered within twelve months after the execution thereof.

Second section of act of 1815 repealed.

Sec. 3. *BE it enacted*, That the second section of an act, passed the seventeenth day of November, 1815, entitled "an act to provide for proving and registering of grants, deeds of conveyance, and other instruments required by law to be registered," be and the same is hereby repealed.

Titles heretofore registered good against makers and purchasers with notice.

Sec. 4. *BE it enacted*, That all, and every person or persons, who may have heretofore procured their deeds of conveyance for lands, deeds of trust, of mortgage, powers of attorney, and bills of sale, to be proved and registered after the time required by law for such deeds, and instruments of writing to be proved and registered; such deeds of trust, of conveyance, of mortgage, powers of attorney, and bills of sale, shall be good and available in law against the grantor, bargainor, and against all those who may have purchased with notice of such conveyance, mortgage, deed of trust, or bill of sale.

Further time allowed to register grants

Sec. 5. *BE it enacted*, That any person, or persons who may have any grant, or grants to lands within the bounds of this state, which by law are required to be registered in the county where such land may lie, who may have heretofore failed in having such grants registered, within the time prescribed by law, shall have the further time of two years, from and after the passage of this act, to have such grant or grants, or a properly certified copy, registered in the county where such lands may lie; every person or persons, who may have had their grants registered after the time required by law, such registration shall be as good and available in law, as if the same had been registered in proper time.

Titles proved in one county may be registered in another.

Sec. 6. *Be it enacted*, That in all cases where any deed of conveyance, of trust, of mortgage, power of attorney, and bills of sale, have heretofore been proven and registered in the wrong county, as well such deeds, bills of sale and powers of attorney, which have been proven by one witness, when the law only required one witness for the registration of such instruments of writing, as such deeds, bills of sale, and powers of attorney which have been proven by two witnesses may be registered in the proper county, upon the certificate of the clerk of the court, where such deeds, bills of sale, and powers of attorney may have been proven, shewing such probate, and such registration shall be good.

and effectual, provided the same be made within one year from and after the passage of this act, against the grantor, bargainor, or maker thereof, and all those who may have purchased with notice of such conveyance, mortgage, deed of trust, or bill of sale.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 27, 1847.

CHAP. XLVI.

AN ACT to authorise the persons therein named, to build a toll bridge across the north fork of Holston river.

WHEREAS, it is represented to this General Assembly, that a bridge across the north fork of Holston, would be of great public utility, and add much to the safety and benefit of travellers. Therefore,

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That William Young, Clinton Armstrong and Thomas Hopkins, be, and they are hereby authorised to build a toll bridge across the north fork of Holston river, at or near the place where the main stage road crosses the same. Preamble.

Sec. 2. *BE it enacted,* That Robert M'Minn, James T. Gaines, George Morrison, George Hale, and Richard Netherland, be, and they are hereby appointed commissioners to attend on the bank of said river and after being duly sworn to lay off a sufficient quantity of land on each bank of said river for the purpose of erecting said bridge, and shall proceed to lay off the same. Proprietors names.

Sec. 3. *Be it enacted,* That when the land is so laid off as aforesaid, the commissioners shall proceed to value said land, and the proprietors of said bridge shall, in three months after said valuation, pay into the clerks office of Sullivan county, the amount of said valuation, which shall be paid by said clerk to the owner of said land on his application for the same. Commissioners to lay off land.

Sec. 4. *BE it enacted,* That the commissioners aforesaid, shall return a fair plat of the land so laid off to the county court of Sullivan county, which plat shall be recorded by said court, and the land so laid off shall remain, and be for the use of said proprietors, so long as said bridge shall be kept in good repair by the proprietors thereof. To value the same.

Sec. 5. *Be it enacted,* That said proprietors shall have said bridge completed and in good repair within three years after such review is made. To return a plat to Sullivan court.

Time in which bridge is to be built.

Not to obstruct the ford. Sec. 6. *BE it enacted*, That said bridge, shall be so constructed as not in any way to obstruct the ford of said river.

Mails to pass free of toll. Sec. 7. *Be it enacted*, That the mail stage and all horse mails, shall pass over said bridge free from the payment of toll.

Rates of toll. Sec. 8. *BE it enacted*, That the said proprietors shall be authorised to receive the following rates of toll, to wit: for each horse and rider, twelve and an half cents; for each led or loose horse, six and a fourth cents; for each waggon and team, one dollar; for each cart, twenty-five cents; for each two wheeled carriage of pleasure, fifty cents, for each four wheeled carriage of pleasure, one dollar; for each head of cattle, hogs and sheep, one cent; for each foot passenger, six and a fourth cents.

Bridge to be the property of the proprietors. Sec. 9. *BE it enacted*, That when said bridge shall be completed, it shall remain the property of said proprietors, their heirs and assigns, so long as they keep said bridge in good repair.

Reasonable time allowed for repairs. Sec. 10. *BE it enacted*, That if said bridge shall be broken by high waters, the proprietors thereof, shall have a reasonable time to put said bridge in repair.

A neglected bridge to be surrendered. Sec. 11. *BE it enacted*, That if at any time said bridge shall be neglected by the proprietors and let go out of use, then and in that case, they shall surrender all claim they may have to the banks of said river.

Proprietors to pay commissioners. Sec. 12. *BE it enacted*, That a majority of said commissioners may act, and shall have one dollar and fifty cents, for each day they serve as aforesaid; which shall be paid by the proprietors.

Navigation not to be obstructed. Sec. 13. *BE it enacted* That the proprietors of said bridge, shall, and it is hereby made obligatory on them —when erecting the said bridge as aforesaid, not to obstruct the navigation of said river, but shall leave sufficient room between the piers of said bridge, that boats of any size may easily pass between.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 11, 1817.

CHAP. XLVII.

AN ACT for the relief of John Holshouser.

Preamble. WHEREAS it has been satisfactorily made known to this General Assembly, that John Holshouser was put to considerable inconvenience and expence, in the Cherokee nation, at the time of the murder of

Vincent Davis, and in attending the trial of the Indian who murdered the said Vincent; for remedy whereof, and for indemnification of the said John Holshouser.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the treasurer of East Tennessee, is hereby authorized and directed to pay to John Holshouser or his order, the sum of one hundred and three dollars, to remunerate said John Holshouser for services rendered in giving information of the murder of Vincent Davis in the Cherokee nation of Indians, and in carrying an express from the Governor to the Cherokee Agency, and the receipt of the said John Holshouser, or his order for the said sum aforesaid, or any part thereof, shall be a good voucher in the settlement of the accounts of the said treasurer.

Sec. 2. *Be it enacted,* That this act shall be in force from and after its passage.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 3d, 1817.

CHAPTER XLVIII.

AN ACT to amend the laws of this state for the regulation of the county courts.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That hereafter, at the first term of the county court in each county in this state, in each year, it shall be the duty of the Justices of the peace within their respective counties on the first day of the term, to select by ballot, from amongst the Justices in each county, five persons whom they think best qualified, for the purpose of holding the county courts for the trial of causes in said court, for the term of one year; and the clerk shall enter on record the names of the Justices thus chosen, a copy of which shall be made out by the clerk, and shall be served by the sheriff on the persons chosen, as soon thereafter as will be in his power.

Five Justices
to be chosen

Sec. 2. *Be it enacted,* That all the business of every description of which the county courts have jurisdiction, and which they are required to do and transact, except the impanneling a grand jury and the trial of indictments and presentments, and trial of causes or controversies between parties litigant, originating by suit or requiring a jury, shall be done and transacted by the Justices of the county on the first day of their respective terms, and it shall be, the duty of all the

County business
to be attended to on
the 1st day.

Justices in each county to attend on the first day of each term for that purpose, any three of whom shall constitute a quorum to transact all manner of business, unless where the existing laws require a greater number.

Duty of the
five justices.

Sec. 3. *BE it enacted*, That it shall be the duty of the five Justices thus chosen and selected: and they are hereby expressly required, to attend at the terms of the courts in their respective counties, and hold the court each day of the term, except the day or days set apart for ordinary business, until the end of the court or until the business shall be finished, any three of whom shall be a quorum to do business, and all jurors summoned to the county courts shall be summoned to attend on the second day of the term, at which time a Grand Jury shall be impaneled and the said court shall proceed with the trial of the civil and criminal business in the same manner and have the same jurisdiction thereof and have the same power, that the Justices of the county courts now possess.

Allowance
to.

Sec. 4. *BE it enacted*, That the justices thus chosen and selected to hold the county courts shall be entitled to receive, each, the sum of one dollar and fifty cents per day, for every day he shall hold the courts of his county for the trial of causes, to be paid by the Treasurer of East or West Tennessee, on a certificate from the clerk, certifying the number of days he shall have attended; and if any of the said justices shall fail to attend and hold the said courts, during the time for which he shall be selected unless in case of absence from the state or inability from sickness or some other cause not within his controul, it shall be considered as a misdemeanor in office.

Sec. 5. *BE it enacted*, That it shall be lawful for the justices of each county in which two weeks are or shall be allowed for holding the county courts, to assign or set apart some day of the second week, and in those counties where courts shall only be holden one week, to set apart some other day in the first week, for transacting county business; and such business as is by this act directed to be done on the first day of each term, if to the said justices the same shall appear necessary, and to cause the same to be entered on record, of which due notice shall be given by the clerk on the court house door during each term, at which time all of the justices of said county shall convene, and hold court for doing such business, during which day the jurors and parties litigant in suits in court need not attend.

Sec. 6. *Be it enacted*, That hereafter, one third or twelve of the acting justices in each county shall be

competent to do and transact all kind of public or county business in the county courts, and all kind of business which by the laws heretofore required a greater number of justices. may hereafter be done and transacted by one third or twelve of the acting justices in the county.

Sec. 7. *BE it enacted*, That it may be lawful for any county or circuit court to divide the jury causes ready for trial upon their docket upon the first day at any one term, and set such proportions of them as they may think proper for trial upon any particular week or day of the term, and cause the witnesses in each suit to be summoned or notified to attend accordingly.

Causes may be classed &c set for hearing on some particular week or day,

Sec. 8. *Be it enacted*, That, all elections for Sheriff's, Coroners, Clerks, Registers, Rangers or Trustees shall take place on the second day of the term as formerly, on which day it shall be the duty of all the acting Justices of the peace of the county to attend for that purpose; and all other appointments to be made by the county courts, shall be made on the first day of the term, or on such other day as shall be set apart under the provisions of this act for the doing of county business.

Elections of county officers to remain as formerly.

Sec. 9. *Be it enacted*, That it shall be the duty of the Justices of the several county courts of this state, to pursue the same rules relative to the reading, signing and correcting the minutes of their several courts, which have heretofore been appointed by law for the regulation of that matter, in the circuit courts.

Minutes to be read and signed.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

October 29, 1817.

CHAP. XLIX.

AN ACT to alter the name of a person therein named: **WHEREAS**, William Hutcheson, of Montgomery county, in this state, is desirous that he should hereafter be known by the name of William H. Earl, Therefore.

BE it enacted by the General Assembly of the State of Tennessee, That said William Hutcheson, shall hereafter be known and called by the name of William H. Earl.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 28, 1817.

CHAP. I.

AN ACT for the relief of Philip P. Maury.

Preamble. WHEREAS it is represented to this General Assembly, that Philip P. Maury, undertaker of the building of a jail in the town of Pulaski, and county of Giles, undertook the building of said jail for the sum of three thousand dollars; that, at the request of said commissioners, he had done additional work on said jail to what he was bound to do, by his original contract, to the value of five hundred dollars; that he received from said commissioners about twenty-four hundred dollars; that he had completed said jail, with said additional work, to the entire satisfaction of said commissioners, except a few hours work, when said jail was consumed by fire; and that the commissioners of said county have recovered a judgment, against said Philip P. Maury, for the amount as above by him received; for remedy whereof:

Judgment released.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Philip P. Maury, be and he is hereby released from the payment of said judgment and costs, which the commissioners appointed to lay off the town of Pulaski, &c. recovered against said Philip P. Maury, in the county court of Williamson county, as undertaker of the building a jail in said county of Giles.

Court may make allowance to.

Sec. 2. *Be it enacted*, That it may be lawful for the county court of Giles county, two thirds of the acting justices in said county being present, to make an allowance to Philip P. Maury, of any sum not exceeding six hundred dollars, to be paid out of any money in the hands of the commissioners of said county not otherwise appropriated: *Provided* said justices should think proper to make any allowance, which shall be evidenced by an order of said court, which order with a receipt thereon for the amount or any part thereof, shall be a sufficient voucher to said commissioners for the amount so paid on the settlement of their accounts.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Oct. 14, 1817.

CHAP. II.

AN ACT to prevent any person from practising as an attorney in any court of which he is a justice of the Peace or Clerk: and also, to prevent any person from being Clerk at the same time that he is a Justice of the Peace of the same county.

WHEREAS it is unfriendly to the administration of **Preamble**
 justice, and to the faithful preservation of the re-
 cords of courts to permit the same person, to prac-
 tise as an attorney at law in the same court of which
 he is a Justice of the Peace : or to permit the same
 person who is clerk of any court of record to practise
 as an attorney of the same court or act as a Justice
 of the Peace : Therefore.

Sec. 1. *Be it enacted by the General Assembly of the* **State of Tennessee,** That it shall not be lawful for any
 person or persons, within the limits of this state, to
 practise as an attorney in any court of which such per-
 son is a justice of the peace ; and should any person
 attempt to prictise as an attorney in any county court,
 within this state, who is at the same time a justice of
 the peace in and for the same county, it is hereby de-
 clared to be a duty of such county court to silence such
 attorney, and to prohibit him from appearing or act-
 ing either as counsel or attorney in any cause or mat-
 ter pending in the county court of such counties.

Justices shall
 not be attor-
 nies.

Sec. 2. *BE it enacted,* That it shall not be lawful
 for any person who is principal or deputy clerk of any
 county court in this state, to practise as an attorney or
 counsellor in the county or circuit court of the county
 in which he is clerk ; nor shall it be lawful for the
 clerk of any circuit court to practise as an attorney in
 the supreme court of Errors and Appeals of that Judi-
 cial circuit in which he is clerk of a circuit court, in a-
 ny cause or suit removed by appeal or writ of Error
 from the circuit court of which he is clerk : and should
 any person act as counsel or attorney in any cause
 pending in any of said courts, it shall, and is hereby
 declared to be a duty of the court in which he may
 attempt so to practise, to silence such attorney or
 counsel, and to prohibit him ever afterwards ap-
 pearing as counsel or attorney in any cause or matter
 whatever pending or to be determined in such court ;
provided always, that nothing herein contained shall
 be construed to prohibit an attorney from appear-
 ing in any cause transferred on change of venue to the
 court of the county of which he is a clerk.

Clerks shall
 not be attor-
 nies.

Sec. 3. *Be it enacted,* This act shall take effect and
 be in force from and after the first day of March next.

JAMES FENTRESS,
 Speaker of the House of Representatives,

EDWARD WARD,
 Speaker of the Senate.

October 22, 1817.

AN ACT to provide for making Entries for lands to which the Indian title had lately been extinguished, and for other purposes,

Preamble

WHEREAS a treaty has lately been concluded between the United States and the Cherokee tribe of Indians, by which the title of said Indians is extinguished to part of the lands lying north of the Tennessee river in this state, which treaty is not yet ratified by the President and Senate of the United States; **AND** **WHEREAS**, it is proper that provision be made by law for entering said lands by virtue of good and valid land warrants, after the said treaty shall be ratified: therefore.

Governor to make proclamation.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Governor of this state, when he shall be notified or be informed that the said treaty has been ratified by the proper authority, to cause proclamation to be made and published in the newspapers printed at Nashville and at Knoxville, giving three months previous notice, of the time when the respective surveyor general's offices will be opened for the purpose of receiving entries and locations for said land, within the respective surveyors districts: previous to which day any person possessing a land warrant which shall have been adjudged valid by either of the commissioners of this state, may file his said warrant with the surveyor general of the district in which he may desire to make an Entry, and the said surveyor general shall receive all such warrants, and before he shall make any entry shall, by lot, determine the priority of entry, amongst the holders of said warrants, and shall on the day set forth in said proclamation, and appointed for the opening of said office for making entries, proceed to make entries on the locations furnished to him by the owners of said warrants respectively, giving preference according to priority in drawing until all of said warrants so filed shall be entered, or until the owner of such warrant shall decline making an entry after the same shall be called over; and in making entries and furnishing locations, making surveys thereon, and obtaining grants, the same rules shall be observed that are directed by the laws in force, prescribing the mode of entering and obtaining grants for vacant land in this state.

Warrant to be filed with the surveyor general.

Preference of entry to be decided by lottery.

WHEREAS by a treaty made by the United States with the Chickasaw Indians and which has been duly ratified, the Indian title has been extinguished to a part of the land described within the bounds of the first, and second surveyors districts; **AND** **WHEREAS**

this state has made no provision for entering and obtaining grants for the same, since the Indian title has been extinguished ; theretore.

Sec. 2. *BE it enacted*, That on the first day of August next, it shall and may be lawful for the principal surveyors of the first and second districts in this state to commence receiving locations, and make entries for the said lands to which the Indian title has lately been extinguished, in the same manner and under the same rules, that lands are directed by law to be entered, previous to which time any person having a land warrant which shall have been passed by either of the commissioners in this state, and authorised to be granted, shall file the same with the surveyor general of that district in which he intends to make an entry, and such surveyor general, before he shall make any entries, shall determine by lot, the priority of entry between such persons as shall have filed their warrants with him before the time directed by this section for opening said office for entries ; and if at any time thereafter any two persons shall apply at the same time to make an entry, the surveyor general shall immediately determine by lot the priority of entry.

Office opened in the 1st and 2d districts on the 1st of August next.

Sec. 3. *BE it enacted*, That it shall not be lawful for any principal surveyor to make or permit any other person to make any entry on the books of his office for any lands to which the Indian title has been extinguished since the first day of October, 1807, until the respective periods fixed in this act for entering the lands herein described; and if the Indian title should hereafter be extinguished to any vacant lands in this state, which are not provided for in this act, it is hereby declared that such land is not subject to entry or survey until provisions shall be made to that effect by the legislature of this state, and that all entries or surveys which shall have been made in either of the offices of the principal surveyors in this state, for any lands to which the Indian title was not extinguished on the said 1st day of October, 1807, are hereby declared to have been made contrary to the provisions of the laws of this state, and to be utterly void and of no effect ; and it shall and may be lawful for all such persons making said entries to withdraw their warrants and use the same as if no such entry had been made.

Entries till then prohibited.

Sec. 4. *Be it enacted*, That it shall not be lawful for any principal surveyor in this state or his deputy, to make, or return to the Register's office, any surveys upon any entry which shall have been made in either of the surveyors offices in this state, for any land to which the Indian title was not extinguished on the said first

Entries declared void.

day of October, 1807, or upon any entries which shall hereafter be made for any land in this state previous to the passing of a law authorising such entry ; nor shall any Register of the land office in this state issue any grant, nor shall the Governor or Secretary of state sign or seal any grant issued upon any such entry or survey ; and if any such entry should be made or grant issued on the same, the same is hereby expressly declared to be void and shall not vest any right or title in such grantee.

Grants to be
void.

Sec. 5. BE it enacted, That if any grant shall have been issued for any land within this state, to which the Indian title was not extinguished on the 1st day of October, 1807, that such grant shall be and is hereby declared to be null and void to all intents and purposes whatever : and it shall and may be lawful for such grantee, or those claiming under him to indorse on such grant under his or their hand and seal, a disclaimer of all title to any of the land called for in such grant, and then return the same to the office of the Register of the land office from which the same may have issued ; upon which it shall be the duty of such Register to record such grant and disclaimer, and to give to such person or persons a copy of such grant and disclaimer, upon producing which to the commissioners office from which the warrent may have issued, upon which such grant was founded, it shall be the duty of such commissioner to cause such copies to be filed in his office, and to issue to such person or persons a duplicate of said warrant, which shall entitle the owner thereof to make an entry, obtain a survey and grant in the manner prescribed by law.

Part of law
of 1805 re-
pealed.

Sec. 6. BE it enacted, That so much of an act of the General Assembly of this state passed at Knoxville in the year 1806, entitled "an act, directing the division of this state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the bona fide claims against the same agreeably to an act of Congress passed the 18th April, 1806, entitled ' An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described ; and to settle the claims to the vacant and unappropriated lands within the same," as directs either of the districts of principal surveyors in this state, to be so run out as to include any part of that tract of country South and East of the river Tennessee, be, and the same is hereby repealed ; and that hereafter all of the said districts, the lines of which heretofore extended to the southern boundary of this state, crossing the Tennessee river, shall be bounded on the south by the north bank

of the Tennessee river, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

October 31, 1817.

CHAPTER LIII.

AN ACT to amend an act entitled "an act to incorporate the town of Knoxville, in the county of Knox."

BE it enacted by the General Assembly of the State of Tennessee, That in all future elections of persons to serve as aldermen of the corporation of said town that it shall and may be lawful for every person to vote who is twenty-one years of age or upwards, and who owns a free hold in said town; and likewise for each and every person who is twenty one years of age or upwards and who resides in said town and hath an interest in a lot or part of a lot therein, as great or greater than a lease for one year.

Suffrage extended to householders.

Sec. 2. *BE it enacted,* That the said corporation shall not have power to impose or collect a poll tax by virtue of any law or ordinance upon any person or persons who is not by virtue of the first section of this act, entitled to vote for Aldermen.

No vote, no tax.

Sec. 3. *Be it enacted,* That this act shall be in force from and after the passage thereof.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 4, 1817.

CHAP. LIV.

AN ACT to authorise judgment to be taken against Sheriff's, Coroners and Constables in certain cases and for other purposes.

WHEREAS it frequently happens that Sheriff's, Coroners and Constables, in selling property to satisfy executions put into their hands, sell the same for more than sufficient to satisfy such execution, and there being no adequate remedy provided by law, to compel such officers to pay over such surplus money to the owner or owners of such property, Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any Sheriff, Coroner, or Constable, shall hereafter sell any property by virtue of an execution, put into his hands, for more than

Supplies recei sufficient to satisfy said execution and costs, it shall
ved on sales be his duty to pay over such surplus money to the
to paid over owner or owners of the property so sold, and in case
 of failure or refusal, such sheriff, coroner, or constable and their securites, shall be liable to a judgment, by motion, in favor of the person or persons, who are entitled to receive the same, before any court having jurisdiction thereof, in the county where such sale may have been made, on production to said court of a certified copy of the record of the said judgment, and execution, or in the court where said judgment shall have been rendered, *provided* nevertheless, that demand must first be made of such sheriff, coroner, or constable, and notice given of the time and place of such motion.

Momes col-
lected before
judgment to
be account-
ed for as got
on executi-
on.

Sec. 2. *BE it enacted,* That when any sheriff, coroner, or constable, who is intrusted with the collection of debts under the jurisdiction of a justice of the peace, whether due by bond, bill, or otherwise, shall receive such money, whether before the service of any warrant, or after, or before the rendition of any judgment therefor, or after such judgment, such sheriff, coroner, constable, and their securities, shall be liable to a judgment, by motion, for such monies, in as complete and ample a manner as if the same had been collected by execution.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 14, 1817.

CHAP. LV.

AN ACT to establish Towns therein named.

Bolinggreen
established.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the commissioners, hereinafter named, to establish and lay off a town in the county of Stuart, on the south side of Cumberland river, at or near a place called M' Carty's landing, on the land of Samuel Chapman, and that the said town be known by the name of Bowling-Green.

Commission
ers appoint-
ed.

Sec. 2. *Be it enacted,* That Samuel Chapman, Jesse A. Brunson, Jacob Marberry, Henry Edwards, Philip Hornberger, David Irvin, David Young, John Shelby and Thomas Lewis, be and they are hereby appointed commissioners of said town, and the said commissioners, or a majority of them, shall have full power to regulate any matter that may concern them, and to adopt such bye laws, not inconsistent with the constitution and laws of this State, as may best suit the interest and convenience of the proprietor or proprietors

of said town of Bowling Green: *provided*, the said commissioners, before entering upon the duties of their office, take an oath well and truly to discharge the duties of their appointment.

Sec. 3. *Be it enacted*, That it shall be lawful for the proprietor or proprietors of said town of Bowling Green, to erect a ware house or ware houses in said town, for the safe keeping and inspection of Tobacco, and other articles of exportation, and that said ware house, or ware houses, and inspections, be under the same rules, regulations, and restrictions, that other establishments of a similar nature are under. Ware-houses may be erected.

Sec. 4. *Be it enacted*, That a town heretofore laid off on the land of James Hart, esq in the county of Sumner, be established and known by the name of Hartsville. Hartsville established.

Sec. 5. *BE it enacted*, That it shall be lawful for the commissioners herein after named to establish and lay off a town in the county of Montgomery, on the land of Joseph Woodfolk, on Spring Creek, at or near the Spring Creek Cross Roads, and that the said town be known by the name of Jonesville. Jonesville established.

Sec. 6. *Be it enacted*, That William Trigg, David Williamson, and J. E. Wilcox be appointed commissioners of said town, and the said commissioners or a majority of them shall have full power to regulate any matter that may concern them, and to adopt such bye laws not inconsistent with the laws and constitution of this state as may best suit the interest and convenience of the proprietors of said town of Jonesville. *Provided*, the said commissioners shall before entering upon the duties of their office, take an oath well and truly to discharge the duties of their office. Commissioners appointed.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 3, 1817.

CHAP. LVI.

AN ACT to provide for holding elections in the county of Bledsoe.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That all elections hereafter to be holden in Bledsoe county, for Governor, Members to Congress, members to the General Assembly, or any general election, shall be holden at the following places, (to wit,) at Tolets Mill in the upper end of Bledsoe county, at the Court House in Pikeville, at some house

In the town of Madison, and at the house of John Shropshire at the usual times appointed by law.

Sec. 2. *Be it enacted*, That all general musters hereafter holden shall be held at the time appointed by law at Pikeville.

Sec. 3. *BE it enacted*, That all laws and parts of laws coming within the purview and meaning of this act shall be and the same are hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

October 31, 1817.

CHAP. LVII.

AN ACT to amend an act entitled an act increasing the Jurisdiction of Justices of the Peace, passed at Knoxville, Nov. 14th, 1809.

Fees allowed
to Justices.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January next, it shall and may be lawful for the Justices of the Peace within this state to receive the following fees, (to wit.) for each Judgment rendered and recorded in a book kept by him for that purpose twenty five cents, for issuing executions, twelve and a half cents each, for each attachment, and all necessary services in issuing the same seventy-five cents, for all services rendered in any state prosecution where the defendant is not bound over or committed, twenty-five cents, and in all state cases where the defendant is recognised or committed the sum of fifty cents.

How to be
collected.

Sec. 2. *Be it enacted*, That it shall not be lawful for any sheriff or constable to collect any fees for the Justice as provided for unless specially authorised, by said fees being indorsed on the execution by the Justice issuing the same, and by signing his own name on the said execution.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 31, 1817.

CHAP. LVIII.

AN ACT to appoint additional Trustees to Maury Academy in the county of Jefferson, and for other purposes.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Hugh Martin, John Fain, William Moore, James Bradford and Joseph Hamilton

Junior, be and they are hereby appointed additional Trustees to Maury Academy in the county of Jefferson, with all the rights, powers, privileges and emoluments that the trustees heretofore appointed to said Academy have by law. Additional trustees appointed.

Sec. 2. *Be it enacted*, That a majority of the acting Trustees to said Academy shall constitute a board to transact any business relative to said Academy. Majority to be a quorum

Sec. 3. *Be it enacted*, That the Trustees of said Academy are hereby authorised if they think proper, to sell at public sale to the highest bidder, a lot in the town of Dandridge, known in the plan of said town by lot number fifteen, whereon a school house has heretofore been erected, and to convey the same, and the money arising from the sale of said lot, to be by them applied to purchasing and improving a more eligible site for an Academy adjoining said town not exceeding two acres. Authorised to sell lot.

Sec. 4. *Be it enacted*, That the said Trustees shall advertise the sale of said lot at five of the most public places in said county, at least twenty days before the day of sale.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 4th, 1817.

CHAP. LIX.

AN ACT to alter the place of holding a separate election in Sullivan county.

BE it enacted by the General Assembly of the State of Tennessee, That all elections heretofore authorised to be held at the house of Frederick Brunstutter, in the lower end of Sullivan county, shall hereafter, be held at the house of William Basket, near the big spring, which election shall be conducted under the same rules, regulations and restrictions of all other elections in this state.

JAMES FENTRESS,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

October 31, 1817.

CHAP. LX.

AN ACT to suppress the issuance of a kind of paper called change Bills, or change tickets, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first No bills to be issued

without licence.

\$1000 tax laid.

day of January, in the year of our Lord one thousand eight hundred and eighteen, if any person, or persons, firm, copartnership or corporation, should be desirous to issue and have circulated any change bills, or change tickets, with a view to supply the scarcity of small change, the coin or circulating medium of this state, he, she, or they, shall first apply to the clerk of the county, in which he, she, or they, may reside, or in which he, she, or they, may be desirous of issuing the said change bills, or change tickets, and shall pay to the clerk, for the use of the state, a tax, of one thousand dollars, which said clerk, on receiving the tax aforesaid, is hereby required to issue a license to such person, or persons, firm, copartnership, or corporation, giving him, her, or them, the privilege in such county to issue such change bills, or change tickets, evidently intended in the place and stead of small change, the genuine coin of this state, for the term of one year and no longer, which said clerk, on receiving the tax aforesaid, shall account for the same as other public monies in his hands.

Penalties to be recovered qui tam.

Sec. 2. *Be it enacted*, That if any person, or persons, firm, copartnership, or corporation, shall after the said first day of January, in the year of our Lord one thousand eight hundred and eighteen, issue any change bills, or change tickets, evidently intended to be used and passed and circulated in lieu, or in the place and stead of the amount of money named in such change bill, or change ticket, without first having procured from the clerk of the county, the license as required by the first section of this act, he, she, or they, for every such offence, shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, before any justice of the peace of the county in which such person or persons, may reside; one half to the use of the county in which such offence may have been perpetrated the other half to the use of any person who will sue for the same.

Passers of to endorse.

Sec. 3. *Be it enacted*, That from after the first day of May next, if any person or persons, shall pass any change bill, or change ticket, or tickets, which may have been or that may hereafter be issued by any person, or persons, firm, copartnership, or corporation, evidently intended to supply the place and scarcity of small change, the circulating medium of this state, shall before he, she, or they, may have passed the same, on some part of such change bill or ticket, in writing, transfer the interest in such change bill or change ticket, to the person in whom he, she, or they may wish to vest it, and shall always thereafter be liable to such

person or persons for the amount of such change bill or change ticket, if the same cannot be collected from the obligor, or maker of such change bill or change ticket, and if any person or persons shall after the said first day of May next, pass any change bill or change ticket, without the transfer or endorsement as aforesaid, he, she, or they, for every such failure, omission, neglect or refusal, shall forfeit and pay to the party aggrieved, a sum double the amount of that called for in such change bill or change ticket, to be recovered by action of debt before any jurisdiction having cognizance thereof. Penalty for failing.

JAMES FENTRESS,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

October 31, 1817.

CHAP. LXI.

AN ACT more effectually to suppress the vice of gaming.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That if any Judge of any of the courts in this state, or any Justice of the Peace, or any Solicitor General, or practising Attorney in this State, or any Sheriff, Coroner, Constable, Clerk of any Court, or any other Civil or Militia Officer, shall be guilty of the immoral and pernicious practice of Gaming, or shall bet at any game of cards, dice, billards, or any other game of hazzard, or shall cause or procure any other person to do so for him, such offence shall be considered as a misdemeanor in office, and if such person, so offending, shall be a Judge or Justice of the Peace, the same shall be sufficient cause of impeachment, and if he shall be found guilty, he shall be thereupon removed from office, and be incapable of holding any office in this State or of practising as an Attorney for the term of five years : And if such person, so offending, shall be a Solicitor General, or a practising Attorney, a Sheriff, Coroner, Constable or Clerk of any Court of Record, or any other civil, or Militia Officer in this State, such person shall on conviction before the Judge of any of the Circuit Courts in this state, be subject to a fine, not less than Fifty Dollars, and shall thereupon be disqualified from holding his said office or from practising as an Attorney in this State for the term of five years. State officers to be punished & how for gaming.

Sec. 2. *Be it enacted,* That it is hereby declared to be the duty of all of the Judges in this state, Judges of the Court of Appeals, Judges of the Circuit Courts, and Judges and Justices bound to notice offenders.

Justices of the Peace, within their respective Counties, to see that the provisions of this Law are carried into effect, and they are hereby required upon their own view or upon information from any civil officer in this state, or any other person, to issue warrants, and upon examination, to commit or bind over all offenders against the Laws in force to suppress gaming; and all offences against the laws enacted to suppress gaming are hereby declared to be cognizable in the circuit courts.

Attornies to
be silenced.

Sec. 3. *Be it enacted*, That full power and authority is hereby given to the Judges of the Court of Errors and Appeals, and to the Judges of the Circuit Courts, to silence any practising attorney in either of said courts, upon due proof before said Court, that such practising Attorney has been guilty of any of the offences in this act, or that such practising Attorney is guilty of such other acts of immorality or impropriety, as are inconsistent with the character or faithful discharge of the duties of that office.

No prosecu-
tion necessa-
ry.

Sec. 4. *BE it enacted*, That in preferring indictments for the offences pointed out in this act, it shall not be necessary that a prosecutor shall be marked on the same.

Ordinary
keepers to
be sworn.

Sec. 5. *BE it enacted*, That every person in this state applying for ordinary licence, shall, before he receives the same, take an oath, in open court, that he will not permit Gaming of any kind to take place in his house during the term of his license, and should the like be attempted without his consent, that he will make immediate information thereof to the proper authority.

U. S. Judges
to be fined

Sec. 6. *Be it enacted*, That if any Judge of the United States court, residing within the limits of the State of Tennessee, shall be guilty of any of the offences aforesaid, he shall be indicted in any of the County or Circuit Courts of this state, and upon conviction shall be fined in a sum not less than fifty dollars.

Convicts dis-
qualified.

Sec. 7. *BE it enacted*, That any person or persons who may hereafter be convicted of gaming or betting upon any game of hazard or address, shall be thereby disqualified to hold any office of trust or profit in this state for five years, *Provided*, that nothing herein contained shall be so construed as to prevent shooting matches.

Provisocs.

Sec. 8. *BE it enacted*, That this act shall take effect and be in force from and after the 1st day of April next: *Provided*, nothing herein contained shall be so construed as to effect players at Billiard Tables that may be

licensed at the time this act takes effect, until the time limited in said licence shall expire.

THOMAS WILLIAMSON.

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 10, 1817.

CHAPTER LXII.

AN ACT for the relief of the Administrator and Administratrix of Billy F. King, deceased.

WHEREAS it hath been made known to this General Assembly, that Billy F. King, deceased, did in his life time sell unto Stephen Taylor of Sullivan county, fifty acres of land in said county, and was to make a title to said land when the last payment was made :
Therefore,

Be it enacted by the general assembly of the state of Tennessee, That Thomas King and Ruth King administrator and administratrix of the estate of Billy F. King, deceased, be and they are hereby authorised to make a good and legal title in fee simple to fifty acres of land unto the Heirs of Stephen Taylor, of Sullivan county, when they shall make them the last payment for said land ; and when so made, shall be as good and valid both in law and equity, as if made by the said Billy F. King, deceased, in his life time, any law, usage or custom to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 3, 1817.

CHAP. LXIII.

AN ACT for the relief of Jacob Hoyall.

WHEREAS, it hath been represented to this General Assembly, that Jacob Hoyall was summoned to attend as a witness, on the trial of Major General John Cocke, and that in obedience to said summons he traveled in going to, and returning from the first appointment of said trial, the distance of five hundred and twenty miles, and expended the sum of fifty six and one fourth cents for ferriage and turnpikeage ; and in consequence of the indisposition of his family, he was unable to attend the second appointment for said trial, from which the Treasurer was induced to believe that the law now in force did not embrace his case, and refused to pay him—therefore,

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of East Tennessee be authorised to pay to Jacob Hoyall or his attorney, the sum of twenty one dollars and thirty six cents, upon his producing to the Treasurer, the certificate of one of the Judges of the Circuit Courts of this state that he had taken an oath that he had traveled the distance, and expended the sum mentioned in going to, and returning from the above mentioned trial, which certificate, with the receipt of the said Jacob Hoyall, shall be a sufficient voucher in the settlement of the Treasurer's accounts.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 1, 1817.

CHAP. LXIV.

AN ACT authorising a sepearte election in Warren county.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That a sepearte election in the county of Warren, shall be opened and held by the sheriff of said county, his deputy or coroner, at the house of Cannada Bratcher, on Mountain creek; and any person constitutionally qualified, to vote in said county of Warren, may vote at said sepearte election, for governor, members to Congress, members to the General Assembly, or field officers of the militia of said county, and said sepearte election shall be held on the same days, and under the same rules, regulations and restrictions, which have been prescribed, or may be prescribed for holding elections in the county of Warren, and the votes given in at said sepearte election, shall be counted in the presence of the judges presiding therein, and the state of the poll exhibiting a true list of the number of votes given to each candidate, shall be returned to the high sheriff of Warren county, on the evening of the second day of said sepearte election, and the return of the poll being so made, shall be received and counted as a part of the votes of said county.

Sec. 2. *BE it enacted,* That this act shall be in force from and after the passage thereof.

JAMES FENTRESS,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Oct. 31, 1817.

CHAPTER LXV.

AN ACT to establish a sixth Judicial Circuit, and for other purposes.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That there shall be laid off, and established a sixth Judicial Circuit in this state, which shall be called the sixth Judicial Circuit, and shall be composed of the counties of Lincoln, Giles, Maury, Bedford, and Laurence, and that there shall be elected by this legislature, one Circuit Judge, whose duty, it shall be, to reside in said sixth Circuit, and who shall have the same power, privileges and emoluments with the other circuit judges in this state and the remaining counties of the fourth Judicial Circuit, together with the county of Sumner, shall continue to compose the fourth Circuit.

Sec. 2. *BE it enacted,* That all appeals and writs of error, taken from the decisions of the Judge, in the courts within said sixth Circuit, and in the county of Sumner, shall be returned to, and be decided in the court of Errors and Appeals in that circuit, to which the counties heretofore were attached, and the court of Errors and Appeals, shall continue to retain the same jurisdiction, original and appellate over all causes and matters in controversy originating, or being in the said sixth Circuit, as if said Circuit had not been established.

Sec. 3. *BE it enacted,* That there shall be laid off and established in this state the following solicitorial districts, to wit: The counties, of Greene, Washington, Carter and Sullivan, shall compose the first district, the counties of Hawkins, Grainger, Claiborne and Campbell, shall compose the second district; the counties of Cocke, Jefferson, Sevier and Blount, shall compose the third district; the counties of Knox, Anderson, Morgan, Roane and Rhea, shall compose the fourth district; the counties of Bledsoe, Warren, White, Overton and Jackson, shall compose the fifth district; the counties of Smith, Wilson and Rutherford, shall compose the sixth district; the counties of Davidson, Williamson and Sumner, shall compose the seventh district; the counties of Franklin, Lincoln and Bedford, shall compose the eighth district; the counties of Giles, Maury, Laurence and Hickman, shall compose the ninth district; the counties of Dickson, Stewart, Humphreys, Montgomery and Robertson, shall compose the tenth district.

Sec. 4. *BE it enacted,* That there shall be appointed by the General Assembly, one Attorney General of competent law talents, to prosecute on behalf of the

Duty of Solicitors.

state, whose duty it shall be to attend the county and circuit court both, in his district for that purpose, and attend to the appeals that may be taken in criminal cases from the county to the circuit court, and shall discharge all the duties that are now required by law, of the county solicitor, and attorney General, to do and perform—and the aforesaid attorney Generals, for their compensation, shall have each, (unless those whose district comprises the Supreme Court,) the sum of one hundred and twenty-five dollars yearly, to be paid by either of the treasurers of this state, and the Solicitor, or attorney General, whose district comprises the Supreme Court, shall receive the sum of one hundred and fifty dollars yearly, to be paid as aforesaid; and moreover the county courts respectively may make said attorney Generals any allowance out of their county treasury, not exceeding fifty dollars per year.

Sec. 5. *Be it enacted*, That the attorney General within whose district the Supreme Courts are comprised, shall attend to all criminal cases which may be carried into said court, and perform all the duties thereunto required.

Pro tem. appointments.

Sec. 6. *BE it enacted*, That if in any state prosecution, that may be pending at the time this act takes effect, the attorney General who may be elected, should be employed on the defence of the defendant or defendants, it shall and may be lawful for the court before whom said prosecution is pending to appoint some attorney of said court to prosecute on behalf of the state, such causes as may be so situated.

Sec. 7. *BE it enacted*, That this act shall take effect from and after the last day of December next.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 10, 1817.

CHAP. LXVI.

AN ACT appointing additional Trustees to Quincey Adams Academy, in Warren county and for other purposes.

Names of additional trustees.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Daniel Payne, William Stroud, William M'Gregor, John Graham and Edmund Taylor, be, and they are hereby appointed trustees of the Quincey Adams Academy, in the county of Warren, in addition to those heretofore appointed, with similar powers and under similar regulations and restrictions.

Sec. 2. *Be it enacted,* That the trustees of Quincey Adams Academy in Warren County and the Trustees of Carrick Academy, in Franklin County, shall, and they are hereby authorised to rent out, or lease each and every tract of land which have been laid off in the respective counties, agreeable to an act of the general assembly, passed at Knoxville, in the year 1806, for any time not exceeding five years, from and after the first day of January next, upon such terms as the said Trustees shall think most expedient for the benefit of their respective Academies. To rent out school lands

Sec. 3. *BE it enacted,* That this act shall take effect and be in force from and after the passage thereof.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 5, 1817.

CHAP. LXVII.

AN ACT to run and establish the boundary line between this state, and the state of Georgia.

WHEREAS it would greatly tend to the prevention of disputes, to have the boundary line between this state and the state of Georgia ascertained, run and marked, before settlements are made on, or near said line by individuals under the authority of either state—Therefore, Preamble,

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for the Governor of this state to appoint a mathematician and commissioner, to act with such mathematician and commissioner as may be appointed by the state of Georgia. Mathematician & commissioner to be appointed

Sec. 2. *Be it enacted,* That when such commissioner and mathematician shall have been appointed under the authority of this state, and when the said mathematician shall be ready to proceed to business, it shall and may be lawful for such mathematician and commissioner, to select and employ a surveyor and as many chain carriers and markers as may be necessary on the part of this state to run and mark said line. Surveyors & markers.

Sec. 3. *Be it enacted,* That said mathematician and commissioner, when met by those appointed on the part of the state of Georgia, shall proceed to ascertain the true line between said states, and cause the same to be plainly, distinctly and notoriously marked, in such manner, as in the judgment of said mathematician and commissioner, will be most likely to perpetuate the notoriety of said line.

Report to be
made of pro-
ceedings.

Sec. 4. *Be it enacted,* That said mathematician and commissioner, when they have discharged their duties under this act, shall make a faithful report of their proceedings to the Governor, together with the number of days and persons engaged in this business.

Allowance
to mathema-
tician, com-
missioner &
surveyor.

Sec. 5. *Be it enacted,* That said mathematician, commissioner and surveyor appointed under the authority of this state, shall each receive the sum of five dollars for each day he shall have been engaged in discharge of his duties, and a like sum for every twenty five miles he may have traveled in going to the point of beginning, and returning from the point of termination.

To markers
and chain
carriers.

Sec. 6. *Be it enacted,* That each chain carrier and marker employed under the authority of this state shall receive for each day employed in going to and returning from, and doing his duty upon said line, the sum of one dollar and fifty cents.

How to be
paid.

Sec. 7. *BE it enacted,* That every person entitled to compensation under this act, shall be paid by the treasurer of either East or West Tennessee, upon the Warrant of the Governor of this state.

Sec. 8. *Be it enacted,* That this act shall be in force whenever the state of Georgia shall have passed an act authorising the appointment of persons to act on the part of that state.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,

Speaker of the Senate.

November 10, 1817.

CHAP. LXVIII.

AN ACT appointing additional commissioners for the town of Sevierville in the county of Sevier, and to repeal so much of an act therein specified.

Commission-
ers appoint-
ed.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That Elijah Rogers, James P. H. Porter, John Porter, Alexander Preston and Simeon Perry, be, and they are hereby appointed additional commissioners for the town of Sevierville.

Sec. 2. *BE it enacted,* That the said commissioners hereby appointed, be, and they are hereby vested with equal powers and subject to the same rules and restrictions as the commissioners hertofore appointed.

Their pow-
ers.

Sec. 3. *BE it enacted,* That the commissioners shall have power to make such rules and bye laws as they may deem necessary for the better regulation of said town: *Provided,* they are not incompatible with the laws and constitution of this state.

Sec. 4. *BE it enacted,* That so much of an act passed at Knoxville the tenth day of July, one thousand seven hundred and ninety-five, as requires every grantee of any lot or lots in the said town, to build thereon within two years after the conveyance thereof, or in case of failing to build, the conveyance to be void, be, and the same is hereby repealed.

Part of former law repealed.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

November 6, 1817.

CHAP. LXIX.

AN ACT for the relief of owners of lots in the town of Maryville.

WHEREAS by reason of the changes which have happened in the commissioners of said town, and because many of the lots have been caveated, the present commissioners are unable to procure a grant from the state for the land of said town, for remedy whereof.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, it shall and may be lawful for all persons, owners of lots in said town to procure such lot or lots, to be surveyed, to have the plats and certificates of survey returned to the office of the surveyor General, and that they shall be entitled to receive grants for their respective lots, under the same rules, regulations and restrictions, which have been heretofore provided by law to authorise the occupants south of French-Broad and Holston to obtain grants for their respective rights of occupancy.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 31, 1817.

CHAP. LXX.

AN ACT to establish the towns of Lancaster and Liberty, in the county of Smith.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the town heretofore laid off on the land of Richard Lancaster, near his present residence on the east side of Smith's Fork, shall hereafter be identified, and known by the name of Lancaster, and the same is hereby established as laid off in the original plan of said town.

Lancaster established.

Liberty es-
tablished.

Sec. 2. *Be it enacted,* That the town heretofore laid off, on the lands of Adam Dale, on the west side of Smiths Fork, shall be hereafter identified, and known by the name of Liberty, and the same is hereby established as laid off in the original plan of said town.

Sec. 3. *BE it enacted,* That the lots in the aforesaid town, shall be liable to taxation, as other lots in this state.

Commission-
ers to be e-
lected.

Sec. 4. *BE it enacted,* That the proprietors and inhabitants of either of the aforesaid towns, shall at any time that may best suit their convenience, elect five persons to act as commissioners, who shall have full power to regulate any matter, that may concern them and adopt such rules, not inconsistent with the constitution and laws of this state, as may best suit the convenience and interest of the proprietors, and inhabitants of said towns, and the commissioners so appointed, shall take an oath, well and truly to discharge the duties of their respective appointments.

THOMAS WILLIAMSON.

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate.

November 5, 1817.

CHAPTER LXXI.

AN ACT to authorise George Gordon and Alexander S. Outlaw, to open a Turn-pike road, leading from Curtin's ferry, on Nolichucky river in Greene county, to the Painted Rock on French Broad river, crossing the Meadow creek and Paint mountain at Loyds' gap.

Road to be
opened.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That George Gordon and Alexander S. Outlaw, be, and they are hereby authorised to open and keep in repair for fifteen years, a road leading from Curtin's ferry, on Nolichucky river in Greene county; commencing on, and leaving said road near John Renners, to the Paint Rock on French Broad river, crossing the Meadow creek and Paint Mountain at Loyd's gap on said mountain.

Its width.

Sec. 2. *Be it enacted,* That George Gordon and Alexander S. Outlaw, shall open said road at least twenty feet wide, clear of all timber and under growth, and clear fourteen feet in the centre of said road, of all rocks, stumps and every other obstruction to the passage of carriages and horses, where the ground over which said road passes, will admit it to be done with reasonable exertions, and to erect bridges and causeways where necessary at least twelve feet wide.

Sec. 3. Be it enacted, That James M'Murtry and Richard Scruggs, are hereby appointed commissioners to view said road, and whenever the said George Gordon and Alexander S. Outlaw, shall give them notice that said road is opened, it shall be the duty of said commissioners to attend and view said road, and if they find it opened in the manner prescribed by this act, the said commissioners shall, and they are hereby authorised and required to issue a license under their hands and seals, to the said George Gordon and Alexander S. Outlaw, to erect a gate or gates on said road at any place or places the said George Gordon and Alexander S. Outlaw may think proper, and which license shall authorise them to demand and receive from all person or persons passing said road, the following toll: to wit. for each waggon and team, drawn by horses, mules or oxen, seventy five cents, for each cart and team, twenty five cents, for each four wheeled pleasure carriage and team, one dollar, for each two wheeled pleasure carriage fifty cent, for all other carriages twenty five cents, for each man and horse, twelve and an half cents, for each single horse, mule or jack six and a fourth cents, for each head of cattle, two cents, for each head of hogs and sheep, one cent, for each taxable slave on foot, six a fourth and cents.

Rates of toll

Sec. 4. Be it enacted, That it shall be the duty of said commissioners to view said road once in every three months after it is opened, and if at any time the said George Gordon and Alexander S. Outlaw, shall suffer and permit the said road to be out of the repair, contemplated by this act, for the space of fifteen days, the said commissioners are hereby authorised, and it is expressly their duty to declare the license by them issued, made void, and open said gate or gates, and the said George Gordon and Alexander S. Outlaw, shall not receive any toll on said road, until it is put in the repair required by this act, and their license renewed by the commissioners, and five days thereafter, and if they should demand, and receive any toll until said license is renewed, they or either of them, shall forfeit and pay the sum of fifty dollars, to be recovered by warrant in the name of the injured person before any justice of the peace in this state.

Road to be kept in repair.

Sec. 5. Be it enacted, That the commissioners appointed by this act, be, and are entitled to receive the sum of two dollars for each day they may be necessarily employed in viewing said road, to be paid by the said George Gordon and Alexander S. Outlaw and the said George Gordon and Alexander S. Outlaw, shall not be entitled to receive the tolls aforesaid, un-

Allowance to commissioners.

til they take, and subscribe, before one of the Judges of the Circuit Courts of this state, or some one Justice of the Peace, in Greene or Cocke counties the following oath : I A. B. do swear or affirm as the case may be, that I will not ask or demand, directly or indirectly from any person passing through said turnpike, any greater tollage than is by law directed so help me God.

Commissioners to act on oath.

Sec. 6. *BE it enacted*, That said commissioners, before entering upon the duties of their appointment, shall take and subscribe the following oath before some Justice of the Peace of Greene or Cocke county : I do swear or affirm as the case may be, that I will do equal and impartial justice to the public, and perform the duties imposed on me by law, to the best of my skill and knowledge; so help me God; and it shall be the duty of said commissioners, to report to each session of the General Assembly, within one month after the commencement of the respective sessions, the situation the said road is kept in by said Gordon and Outlaw.

Vacancies how filled.

Sec. 7. *BE it enacted*, That if the commissioners or either of them appointed by this act should fail or refuse to serve, or should remove, resign, or die, the county court of Greene is hereby authorised to appoint such a number of discrete freeholders as will make up the number specified in this act, and the commissioners appointed by said court shall have the same powers, privileges, and emoluments, and be governed by the same rules and restrictions as those appointed by this act.

Penalty for evading the gate.

Sec. 8. *BE it enacted*, That if any person shall arbitrarily or clandestantly pass the said turnpike within one mile of the same, in order to evade the payment of the toll prescribed by this act, he, she, or they, shall forfeit and pay the sum of five dollars, for every such offence; to be recovered by a warrant in the name of the said George Gordon and Alexander S. Outlaw, before any justice of the peace in this state, *provided* that nothing contained in this act, by way of penalty, shall extend to passengers on the road kept up by Jacob Baker, William Honston, &c. commonly called Bakers Turnpike Road, from Sherrills Cove across Paint mountain to the Painted Rock, on French Broad river.

Workers on to pass free of toll.

Sec. 9. *BE it enacted*, That all persons shall pass and repass, with themselves and families free from any toll at said turnpike, *Provided*, they assist with all their family, subject to work on public roads, five days in opening said road, and two days in each year in keeping said road in repair.

Sec. 10. *BE it enacted*, That this act shall be in Effect. force from and after the passage thereof.

Sec. 11. *BE it enacted*, That at each and every session of the legislature, after requiring said report of the commissioners, if they shall believe from satisfactory evidence, the said road has been at any time sixty days out of repair, they may proceed to elect another proprietor, who, when so elected, shall have, enjoy and receive all the rights of tollage, and be subject to the same rules, regulations and restrictions, as the original proprietors.

New proprietor may be appointed.

JAMES FENTRESS,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

Nov. 3, 1817.

CHAP. LXXII.

AN ACT for the relief of the heirs of Robert Kennedy and of James Wilson.

WHEREAS it is represented to this General Assembly, that Robert Kennedy and James Wilson in the year 1784, made two entries in John Armstrong's office of North Carolina, and paid the purchase money (to wit,) one in the name of Robert Kennedy for 300 acres, and one in the name of James Wilson for 380 acres, on which warrants have not issued, for remedy whereof:

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the Commissioners of East or West Tennessee be and he is hereby authorised to issue to the said Robert Kennedy, a warrant or certificate for three hundred acres the amount of his entry No. 2048, also to James Wilson a warrant or certificate for three hundred and eighty acres, the amount of his entry No. 2050, *provided*, sufficient evidence shall be produced to said commissioner, to shew that the consideration for said Entries was paid.

JAMES FENTRESS,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

Oct. 30, 1817.

CHAP. LXXIII.

AN ACT for the relief of the persons settled on the waters of New river, in Anderson County.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That all and every person or persons now residing on the waters of New River in the

county of Anderson, shall hereafter be exempt from mustering except at Regimental and Battallion musters, until the number of settlers on the waters of said New River, in the bounds of said County of Anderson, will authorise a new company to be organized.

Sec. 2. *Be it enacted*, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 6, 1817.

CHAP. LXXIV.

AN ACT concerning deeds made to Trustees of Religious societies

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever the Trustees of any society or church of christians, shall have received or may hereafter receive any deed for any piece of ground, on which to build a church or place of public worship, provided the same shall not exceed ten acres, and said deed shall have been made or shall be made to any person or persons as Trustees of or for the use of such Congregation, the same shall inure to the benefit of such congregation, for the purpose of a church, and to the successors of said Trustees so long as said congregation shall last.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 11, 1817.

CHAP. LXXV.

AN ACT for the better regulation of the Harpeth Academy in Williamson county, and for other purposes.

WHEREAS great inconvenience has arisen under the law incorporating the Harpeth Academy in Williamson county, by requiring a number of the Trustees belonging to the same, to constitute a board for the transaction of business, which could not at all times be convenient, when the situation of the institution required a speedy meeting, for remedy whereof.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, any number not less than five of the Trustees of said Academy, shall constitute a quorum for transacting business relative to the institution, in as full and ample manner, and under the same regulations and res-

trictions as the board heretofore appointed: *Provided*, that a less number than that heretofore required, shall not have the power of alienating the real property belonging to the same.

Sec. 2. *Be it enacted*, That the appointment of William Smith, Andrew Campbell, John Watson, John Bell and John White, as additional Trustees of the aforesaid Academy, heretofore made by the board of Trustees of the same, be and it is hereby confirmed.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 4, 1817.

CHAP. LXXVI.

AN ACT making an allowance to Moses Eakin.
WHEREAS it is represented to this General Assembly, that Moses Eakin of Nashville in the fall of 1814, was employed by Willie Blount, Esq. then Governor of this state, to carry *express* communications to different militia officers, which the public good required should be conveyed with extraordinary dispatch, that he performed the duty faithfully, for his labors and expense in doing which he has not been paid, Therefore :

Be it enacted by the general assembly of the state of Tennessee, That the Treasurer of West Tennessee, pay unto the said Moses Eakin, the sum of forty eight dollars, as a full compensation for his services and expences rendered as above stated, and that the receipt of the said Moses Eakin for the same, shall be a good voucher in the settlement of said Treasurers accounts.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 12. 1817.

CHAP. LXXVII.

AN ACT to authorise the appointment of two notaries in each county within this state.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That there shall be appointed by the General Assembly, two notaries public in each county in this state, each of whom shall hold his office during good behaviour; to whose attestation, protestation, and other instruments of publication, due credence shall be given.

Sec. 2. *BE it enacted*, That each notary public

Who shall give bond & be sworn. shall before entering upon the duties of his appointment, give bond and security to the governor in the sum of one thousand dollars, conditioned for the faithful discharge of the duties of his office: and moreover shall take and subscribe, before some justice of the peace within his county, an oath to support the constitution of this state, an oath to support the constitution of the United States; and further, an oath that he will without favor or partiality, honestly, faithfully and diligently discharge the duties of Notary Public.

Fees.

Sec. 3. *Be it enacted*, That each Notary Public may demand and receive, for recording in a well bound book, to be by him kept for that purpose, each attestation, protestation and other instrument of publication, the sum of two dollars.

Office to be kept in the county town

Sec. 4. *Be it enacted*, That each Notary Public shall keep his office at the town of the county in which he shall be appointed, and shall, at his own expence, procure a seal of office.

Sec. 5. *Be it enacted*, That all laws coming within the purview and meaning of this act, shall be and the same are hereby repealed.

Sec. 6. *Be it enacted*, That this act shall be in force from and after the passing thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 31, 1817.

CHAP. LXXVIII.

AN ACT for the better regulation of the Dixon Library Company.

Incorporated.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That all persons that now are or may hereafter become shareholders in the Dixon Library company, are hereby constituted a body corporate and politic, by the name and style of the Dixon Library Company, and by that name shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, in all courts of record and else where.

How managed.

Sec. 2. *Be it enacted*, That the Dixon Library company shall be managed by five Directors, any three of whom shall constitute a quorum to do business, and shall hold their appointments for the term of one year, and until their successors shall have been appointed in the manner by this act prescribed.

Share holders.

Sec. 3. *Be it enacted*, That the shareholders of said company shall meet at the court house in Charlotte, on the first Saturday in January, in each year from and af-

ter the passage of this act, for the purpose of electing five persons, all of whom shall be shareholders, to be directors of said company for the ensuing twelve months, and those getting the highest number of votes, shall be directors of said Library company, and in case of death, resignation, or removal of any of the directors, such vacancy or vacancies shall and may be supplied by the remaining directors, until the next general election for directors.

To meet & elect directors.

Sec. 4. *Be it enacted*, That if at any time an election of directors should not be made at the time prescribed by this act, the said corporation shall not be dissolved, but it shall and may be lawful to hold an election for directors, in such manner as shall be prescribed by the bye laws of said corporation, and all the directors who may be elected, shall take an oath or affirmation, faithfully, and impartially, to discharge all the duties of their office.

Who shall act on oath.

Sec. 5. *Be it enacted*, That the said directors shall have power to choose a librarian, clerk, and treasurer, all of whom shall continue in office one year, and shall take an oath faithfully to discharge the duties of their said office, and to make bye laws for the due regulation of its concerns, not repugnant to the laws and constitution of this state, and to annex and receive penalties for any breach of their bye laws.

To choose officers.

Sec. 6. *Be it enacted*, That the amount of each share, and the mode of transferring the same, shall be fixed and regulated by the bye laws of said corporation.

Transfers.

Sec. 7. *Be it enacted*, That all controversies which may arise, where the records of the clerk may be required as evidence, it shall be the duty of said clerk to produce a certified copy of the same, when legally called for under the penalty of twenty dollars, and shall have for his services such fees as may be regulated by the board of directors.

Duty of Clk

Sec. 8. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, be and they are hereby repealed, and this act shall take effect and be in force from and after its passage.

JAMES FENTRESS.

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 4, 1817.

CHAP. LXXIX.

AN ACT for taking an enumeration of the free taxable inhabitants of this state.

Sec. 1. *BE it enacted by the General Assembly of the*

Justices to take lists. *State of Tennessee*, That the justices of the peace in each county in this state, who shall be appointed after the first day of January, in the year eighteen hundred and nineteen, to take lists of taxable property and polls as directed by law, shall, and are hereby required, and it is hereby made the duty of each of the justices, to take, and make out in writing, an accurate and complete list of the names and number of free taxable inhabitants, who are over the age of twenty-one years, and who would be entitled to vote for members of the general assembly at the next election, and who, on the first day of January, in the year 1819, did live in the district in which such justice of the peace is appointed to take such lists of taxable property and polls:— and it shall be the duty of each of said justices of the peace to return such lists of taxable inhabitants, so taken by him as aforesaid, signed with his name, to the court of pleas and quarter sessions, which shall be held in and for the county in which he is a justice of the peace, next before the last day of July in said year.

Clerks to record and return them. *Sec. 2. Be it enacted*, That it shall be the duty of the clerks of each county court of pleas and quarter sessions, and he is hereby required, to take the aggregate number of taxable inhabitants in the county of which he is clerk, returned as by this act directed, and shall make out two accurate copies thereof, and the presiding justice of the court, together with the clerk, shall set their names thereto; one of which copies after being entered on the records of the court, shall be preserved in the office of the clerk; and it shall be the duty of the clerk of the court, to transmit or cause to be transmitted, the other copy to the office of the secretary of this state, on the third Monday of September, 1819.

Secretary to lay them before the Legislature. *Sec. 3. Be it enacted*, That the secretary of this state shall, and he is hereby required to receive all such lists to him transmitted as by this act directed, and shall carefully preserve the same, so that he may have them ready to lay before, and be delivered to the general assembly at their first session thereafter.

Other Justices to be appointed in case of death &c. *Sec. 4. Be it enacted*, That if any justice of the peace appointed to take a list of taxable inhabitants, as by this act directed, shall die or remove out of the country before the day and time by this act limited for the return of such lists, then and in that case any three justices of the court of pleas and quarter sessions in the county in which such justice did live shall appoint one in his place; and it shall be the duty of the justice of the peace so appointed to return a list as by this act directed.

Sec. 5. Be it enacted, That each justice of the peace

shall be allowed at the rate of two dollars for each hundred free taxable inhabitants by them enumerated and returned, as by this act directed, which shall be paid by either of the Treasurers of this state, on the receipt of the clerk from the county where such lists shall be taken.

Sec. 6. *Be it enacted*, That it shall be the duty of the justice of the peace when taking the enumeration of any person or persons, to interrogate him or them whether he or they have been enumerated heretofore under this act, the object of which is that no citizen shall be enumerated more than once.

Sec. 7. *Be it enacted*, That if any justice of the peace or clerk shall fail, neglect or refuse to perform the duties enjoined by this act, every such justice or clerk so failing, neglecting or refusing shall on due proof thereof, be fined in a sum of fifty dollars, unless sufficient cause be shewn to the contrary, to be recovered before any tribunal having jurisdiction thereof, one half to the use of the informer, the other half to the use of the county.

Sec. 8. *Be it enacted*, That this act shall commence and be in force from and after the first day of January, in the year 1819.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 11, 1817.

CHAP. LXXX.

AN ACT to authorise the Governor to appoint suitable persons to examine the books of entries and surveys, in the possession of the several principal surveyors, and report in what order and condition they are kept, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor for the time being, shall if he see cause, appoint two or more capable persons, to examine the books of entries and surveys, in possession of the several principal surveyors, and report in what order and condition they are kept, who shall deposit said report in the office of the secretary of state, for the information of the legislature; and on the death or removal of any one of them, shall have power to direct the safe keeping of such books until a surveyor is appointed.

Sec. 2. *Be it enacted*, That it shall be the duty of the persons appointed by the first section of this act, to examine each of the registers offices of this state, kept

for the purpose of issuing grants on plats and certificates of survey; and when examining the several offices, both surveyors and registers, they shall carefully compare all the books with the documents filed in the said offices or as many thereof, as will be sufficient to enable them to judge with correctness, of the condition they are kept in, and the irregularities, (if any,) that are found in the same, and report the same to the secretary's office, for the information of the next succeeding legislature, and shall receive for their services so rendered, the sum of two dollars per day, for each and every day they may be necessarily employed, in executing the duties required by this act.

To act on
oath.

Sec. 6. *Be it enacted*, That each of the persons so appointed, before they enter on the duties of such appointment, shall take and subscribe the following oath; (viz.) I A. B. do solemnly swear or affirm, as the case may be, that I will faithfully examine into, and report the situation of the books of entries or surveys in the surveyor's office of the district; and discharge all other duties imposed by the act of assembly; under which I have been appointed without favor, partiality, or prejudice, to the best of my skill and abilities; so help me God.

Duty of sur-
veyors.

Sec. 4. *Be it enacted*, That it shall be the duty of each of the principal surveyors of the several districts in this state, to keep in his office, a plan or map of the district in which he is surveyor, so far as is necessary to ascertain with correctness the several tracts of land laid off, and plats of survey, made on the general plan of maps, for the use of schools, which by the sixth section of an act, directing the division of the state into convenient districts, and for the appointment of principal surveyors, passed the 12th day of September, 1806, which map or maps, shall be for the inspection of any person or persons, who may have an interest in obtaining a knowledge of the same, especially to enable the trustees of the several academies, to resurvey the school lands.

Maps.

Sec. 5. *Be it enacted*, That if any one, or more of the maps or plans as described in the fourth section of this act, to be kept in each principal surveyors office, has been removed or destroyed, so that the surveyor or surveyors cannot get possession of it again, it shall be his or their duty to procure a true copy from the map that has been deposited in the registers office at the seat of government, or at least so much thereof, as will comply with the fourth section of this act, within six months after the passage of this act, under the penalty of five thousand dollars, to be recovered be-

fore any jurisdiction, having cognizance thereof, to be applied one half to the academy of the county where the person suing for the same shall reside, the other half to the equal use of the other academies in said district.

Sec. 6. *Be it enacted*, That this act shall be in force, from and after the first day of January next.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 5, 1817.

CHAPTER LXXXI.

AN ACT to establish a precinct election in the county of Overton, and for other purposes.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That a precinct election is hereby laid off, and established in the county of Overton, at the house of Joseph French, in said county, where all persons who are entitled to vote, for Governor, members of Congress, members to the General Assembly, or militia officers, shall be entitled to vote at the same times, and under the same rules, regulations, and restrictions, as other general elections are held and conducted.

Election to be held at Joseph French

Sec. 2. **WHEREAS**, considerable doubts are entertained, respecting the bounds of Overton county, and for the prevention of disputes in future—*Be it enacted*, That a line shall be run between the county of Overton, and the county of Morgan, in the following manner, (to wit.) Beginning at the corner of Morgan county, where Robert Johnson now lives on the Cumberland road, from thence, north twelve and a half degrees east to the Kentucky, or state line, which shall be the dividing line between said counties : and each county shall exercise jurisdiction to said line in all respects whatever.

Dividing line between Overton and Morgan.

Sec. 3. *Be it enacted*, That James Chism is hereby appointed surveyor to run said line from Johnsons to the Kentucky line, and Garrot Hall is hereby appointed commissioner, to aid and assist said surveyor in running the same. They may employ two markers, and they shall meet on the first Monday in March next at the house of Robert Johnson, and proceed to run said line ; and shall plainly run and designate the same by mile marks and other marks along said line that will be notorious to the citizens of the respective counties, and shall have and receive the following compensation for their services, (to wit.) said surveyor shall receive for

Surveyor & commissioner appointed

each and every day he may be necessarily engaged in said business the sum of three dollars, and a like sum for each day in going to and returning from said line, said commissioner, shall receive the sum of two dollars per day, for every day he may be necessarily engaged in attending said surveyor, and the like sum for each day he may be engaged in going to and returning from said line, the markers shall receive the sum of one dollar for every day they may be necessarily engaged therein, to be paid equally by the county trustees of Overton and Morgan counties.

Surveyorsto
report to the
courts.

Sec. 4. *Be it enacted*, That said surveyor shall make a report to the county court of Overton, and Morgan describing said line, the creeks, and notorious objects, which he may notice in running said line in one month after running the same, which shall be recorded by the respective clerks, &c.

Sec. 5. *Be it enacted*, That all laws, and parts of laws that comes within the purview and meaning of this act, shall and the same is hereby repealed.

Sec. 6. *Be it enacted*, That the commissioners appointed to run the boundaries between the counties of Roane, Anderson and Morgan, shall not run that part of the line which lies paralel at ten poles distance from the Cumberland road.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

November 4, 1817. *Speaker of the Senate.*

CHAP. LXXXII.

AN ACT To provide for the trial of certain causes in the Circuit Courts.

Equitycases
inthe circuit
court which
the judge of
is incompe-
tent to try,
shall be ad-
journe to the
supreme co't
of the distr't,

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That whenever it shall happen that any cause in equity, is, or shall be depending in any circuit court of this state, which the judges, directed by law to hold such court, are incompetant by law to hear and determine, it shall be the duty of such circuit court, to order such cause to be adjourned to the supreme court of errors and appeals, in the circuit in which the same is, or may be depending; and thereupon, it shall be the duty of the clerk of said circuit court, to transmit to the clerk of the said supreme court all the papers belonging to said cause, together with a transcript of all the proceedings had in said cause, and a bill of the costs which have accrued thereon, for which service, he shall be allowed in each cause, the sum of fifty cents, to be taxed in the bill of costs.

Sec. 2. *Be it enacted*, That the supreme court of er-

For and appeals, to which any cause may be transmitted in pursuance of this act, shall have jurisdiction, and are hereby required to proceed to hear and determine said cause, in the same manner as if the same had been originally commenced in the said supreme court.

Who has power to try it.

Sec. 3. *Be it enacted*, That whenever all the judges who may be directed by law to hold any circuit court in this state, shall be incompetant to set on the trial of any cause at law depending in such circuit court, it shall be the duty of said judges to notify the governor thereof, and to furnish him with a list of such causes, and if said causes, or any of them shall be depending in East Tennessee, it shall be the duty of the governor to require some other circuit judge to hold a special term of the circuit court for the county of Knox, at a time by him appointed; and to give notice, by proclamation, thirty days before the commencement of said term, of the time and place of holding the same, and of the causes, for the trial of which said special term is directed; and if said causes, or any of them, shall be depending in West Tennessee, the governor shall in like manner, require some other circuit judge, to hold a special term of the circuit court for the county of Davidson, at a time by him to be appointed; of which he shall give notice as herein before required, and it shall be the duty of every circuit judge, required by the governor to hold a special term of any circuit court in pursuance of this act, to attend accordingly, and proceed to try and determine the causes, for the trial of which said court was directed, in the same manner as if the same was a regular term of said court; and said special courts are hereby vested with as full and ample jurisdiction in said causes, as the circuit courts have in similar cases; and the judgments rendered by said special courts, shall be carried into execution in the same manner as if the same had been rendered at the preceding term of the circuit court of the county in which such special court may be held; and it shall be the duty of the clerk of the circuit court of such county, to attend said special court, and to discharge the duties of clerk of said court, for which he shall be allowed the same fees as are by law allowed to the clerks of the circuit courts in similar cases.

Special co't. created for the trial of law causes similarly situated.

Sec. 4. *Be it enacted*, That it shall be the duty of the clerks of the several circuit courts, in which any causes, which by this act are directed to be tried at a special term, may be depending, to transmit to the clerk of the circuit court, for the county in which such special term may be directed to be holden, all the papers belonging to said causes, together with a complete

Clerks to attend such courts.

transcript of all the proceedings which may have been had in said causes, and a bill of the costs accrued in the same, at least ten days before the time appointed for holding such term, for which service he shall be allowed in each cause, the sum of sixty cents, to be taxed in the bill of costs.

Jurors to be summoned.

Sec. 5. *Be it enacted*, That whenever the Governor, shall in pursuance of this act, direct a special term of the circuit court to be held, it shall be the duty of the clerk of the circuit court, for the county in which such special term may be directed to be holden, to issue a *venire facias*, directed to the sheriff of said county, commanding him to summon twenty four jurors to attend such court at the time and place appointed for holding the same, and it shall be the duty of said sheriff, to execute and return the same, and also to attend the said special term, and to discharge the duties which he is by law bound to perform when attending the circuit court of his county, and for which he shall be entitled to the same compensation as is allowed in similar cases; and the jurors summoned to attend said special court shall be bound to attend the same, under the same penalties as are prescribed in other cases, in the circuit courts.

Special c't may adjourn from term to term.

Sec. 6. *Be it enacted*, That in case all the causes transmitted to any special term of a circuit court, holden in pursuance of this act, cannot be finally determined, during said term, it shall be the duty of said judge to continue the same to some future period, to which he shall adjourn said special term, at which time it shall be his duty to attend, and proceed to the trial and determination of the same, and if all the causes cannot then be determined, he shall adjourn from time to time, and hold said court, until the whole of said causes shall be determined, and it shall be the duty of the clerk of the said circuit court to issue a *venire facias* returnable to each adjourned session of said special term, in the manner as is herein before required, which shall be executed and returned in the same manner—and the said clerk and sheriff shall attend every adjourned session, and discharge the duties appertaining to their respective offices, in the same manner as they are bound to do at the stated terms of the circuit court in their county, for which they shall be entitled to the same compensation.

Right of challenge.

Sec. 7. *BE it enacted*, That in case any of the causes transmitted to any special court in pursuance of this act shall have been removed by change of venue from the county in which such special court may be held, that either party in any such cause, shall be entitled to pre-emptory challenge of six jurors, and the same num-

per of challenges, shall be allowed in all cases tried in said special court, where either party shall by affidavit, show sufficient cause to induce the court to believe that such right of challenge is necessary in order to procure a fair and impartial trial.

Sec. 8. *Be it enacted*, That if either party in any cause, tried in any special court, held in pursuance of this act, shall be dissatisfied with the judgment of said court, such party shall be entitled to an appeal, or writ of error, to the supreme court of the circuit in which said cause was commenced, under the same rules, regulations and restrictions, as are provided in other cases of appeals and writs of error from the circuit courts, to the supreme court of errors and appeals. Right of appeal.

Sec. 9. *Be it enacted*, That the judges of the supreme and circuit courts, shall set, hear, and determine all causes that may come before them, unless the party or parties litigant, are related to said judges, either by the ties of affinity or consanguinity, or where said judges may have been employed in said causes as counsel, and have actually received the fee for the same. Duty of the Judges.

Sec. 10. *Be it enacted*, That each and every circuit judge, who may hold a special court, under the provisions of this act, shall be entitled to receive for each court by him so holden, in addition to his salary, the sum of two hundred dollars, which sum shall be paid by either of the treasurers of this state, and the receipt of such judge shall be a sufficient voucher to such Treasurer in the settlement of his accounts. Their compensation.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 13, 1817.

CHAP. LXXXIII.

AN ACT to authorise the county court of Knox, to sell the lot on which the Jail of said county has been erected.

WHEREAS it has been represented to this General Assembly, That the lot on which the jail of Knox county has been erected, is near the centre of Knoxville, and that a continuance of said jail at that place, will not only check the improvement of said town, but be very inconvenient to those who own adjoining lots—
Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the court of pleas and quarter sessions for the county of Knox, at any time when a majority of the acting Lot and jail may be sold

justices of said county are present, to order that the lot upon which the jail of said county now is, be sold at public sale to the highest bidder, *Provided* always, that said court may fix upon some price for less than which said lot shall not be sold.

Chairman
to convey to
the purcha-
ser.

Sec. 2. *BE it enacted*, That upon a sale of said lot, it shall be the duty of the chairman of said county court, to execute to the purchaser a deed of conveyance for said lot, by which the title thereto, will be vested in such purchaser and his heirs in fee.

Court to se-
lect some o-
ther lot and
build a jail.

Sec. 3. *BE it enacted*, That it shall and may lawful for the said county court to select, and procure by purchase, or otherwise, some other lot in Knoxville, upon which they shall cause to be erected, a public jail for the use of said county, *Provided* always, that for the purpose of procuring such lot, and building such jail, it shall not be lawful for said county court, to impose any tax: but the whole expence thereof, shall be defrayed out of the money produced by the sale of the lot on which the jail now stands.

Same pow-
ers given to
the court of
Roane.

Sec. 4. *Be it enacted*, That it shall and may be lawful for the county court of Roane, to sell and dispose of the jail and lot on which it stands, in the town of Kingston, under the same rules, and regulations as is provided for in this act, for the sale of the lot and jail thereon in Knoxville.

Sec. 5. *Be it enacted*, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 14, 1817.

CHAP. LXXXIV.

AN ACT more effectually to prohibit dueling.

WHEREAS the laws hithert, in force in this state, having been found by experience, ineffectual to prevent a practice so generally condemned by the more thinking part of society; for remedy whereof,

All officers
to be sworn.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall be the duty of each and every person, authorised to administer an oath, to administer to all officers, civil, military, judicial and executive, previous to their taking the respective oaths of office, on such occasions usually administered; the following oath or affirmation, (*viz.*) I A. B. do solemnly swear on the Holy Evangelists of Almighty GOD, that I have not given or accepted a challenge, either written or verbal,

to fight a duel, nor have I fought one since the passage of an act passed in the year eighteen hundred and seventeen, entitled "an act more effectually to prohibit duelling" nor have I been the second or bearer of a challenge for such purpose, and that I will not fight a duel, or be the bearer of a challenge, either written or verbal for such purpose, or act as the second of both or either of the parties concerned in a duel, during my continuance in office. *So help me GOD.*

Sec. 2. *Be it enacted,* That this act shall be in force from and after its passage.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 3, 1817.

CHAP. LXXXV.

AN ACT to repeal the second, third and fourth sections of an act entitled an act, to amend the law relative to levying of executions, and the service of certain other process, passed in the year 1801.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the second, third and fourth sections of the above recited act, be, and the same are hereby repealed.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 10. 1817.

CHAP. LXXXVI.

AN ACT more effectually to provide for suits to be tried on the principle of Equity.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That on the trial of all suits which may hereafter be commenced, and be depending before any justice of the peace, or in any of the courts of this state, by appeal or otherwise, where the subject matter does not exceed fifty dollars, it shall be the duty of said justice, or court, to hear and determine such cause upon its merits, and to hear parol or other legal evidence to impeach the consideration or validity of any bond or note, as well those with as without seal.

Justice to try warrants on principles of Equity.

Sec. 2. *Be it enacted,* That it shall not be lawful for any justice of the peace, or any court in this state, to suffer any person who may be sued on any bond or note, whether the same be with or without seal, to deny execution of the same, unless he, she, or they, will deny

Non est factum to be on oath to notes not sealed.

the same on oath, in writing and signed by such party.

Sec. 3. *Be it enacted*, That an act, entitled "an act to give the county courts equity jurisdiction in sums under fifty dollars," passed October 26th, 1815, be, and the same is hereby repealed: *Provided*, That the repeal of said act shall not effect any suit now depending agreeably to its provisions.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 14, 1817.

CHAP. LXXXVII.

AN ACT to regulate costs in the cases therein named.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, the law of 1815, increasing the tax fees of solicitors of the county and circuit courts shall not extend to forfeitures against witnesses, or jurors, or overseers of roads unless such witness, or juror, or overseer, plead to the *scieri facias* run against them upon their forfeitures.

Sec. 2. *Be it enacted*, in all cases of indictments, or presentments in any of the courts in this state, where *nolli prosequi* are entered, the costs of the same shall not be taxed to the county, unless by order of the county court.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,

Speaker of the Senate

Nov. 8, 1817.

CHAP. LXXXVIII.

AN ACT to suspend the collection of the money due from occupants South of French Broad and Holston, and West of Big Pigeon rivers, until the rise of the next stated session of the General Assembly.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the collection of all money due, or to become due from the occupants South of French Broad and Holston and West of Big Pigeon rivers, for the principal, shall be, and the same is hereby suspended until the rise of the next stated session of the General Assembly: *Provided always*, That nothing hereing contained shall be so construed as to prevent any of said occupants from paying up the

Accruing in
terest sus-
pended.

whole, or any part of the sum due from him, if he chooses to do so.

Sec. 2. *Be it enacted*, That the interest now due shall be paid in three annual installments, that is to say, one third on the 1st of November, 1818, one third on the 1st of November, 1819, and one third on the 1st of November 1820. And the collection of the interest to become due in the years 1818, and 1819, shall be suspended until the next General Assembly— which sums shall be collected by the treasurer of East Tennessee, at the times herein stated agreeable to the provisions and in the manner directed in an act passed the 11th of October, 1811, entitled “an act to suspend an act entitled an act for the relief of the citizens residing south of French Broad and Holston, between the rivers Big Pigeon and Tennessee.”

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 12. 1817.

CHAP. LXXXIX.

AN ACT for the relief of John Warner, Sheriff of Bedford county.

BE it enacted by the General Assembly of the State of Tennessee, That the treasurer of West Tennessee, is hereby authorised and required to pay unto John Warner, sheriff of Bedford county, the sum of one hundred and ten dollars, and his receipt for the same shall be a good voucher in the settlement of his accounts.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 14, 1817.

CHAP. XC.

AN ACT for the benefit of John Sims and Gerard T. Greenfield.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That John Sims be and he is hereby authorised to build a mill dam across Duck river on his own Land, between the mouth of Sugar creek and Powels creek, under the same laws, regulations and restrictions as are heretofore pointed out by law for building mills in this state, *provided* the said John

Sims, shall fix therein Locks and Gates or make a slope through the dam, and construct the same in such a manner, as not to obstruct the free and easy navigation of said River, with all boats, rafts, and other water crafts that may be used to navigate the same, either ascending or descending said river.

To pay damages.

Sec. 2. *Be it enacted*, That said John Sims or his successors, shall be subject to pay all damages occasioned to any raft or other water craft passing round or over said dam, which damages together with all costs, shall be recovered by the owner, or owners of the property so damaged, in any court having cognizance thereof; *provided* such damages is occasioned in consequence of such passage not being made and constructed in such a way as to comply with the requisitions of the first section of this act.

For detention.

Sec. 3. *BE it enacted*, That the said John Sims or his successors shall keep the passage in good repair, and in case of failure thereof shall pay the sum of ten dollars per day, to the owner or owners of each raft or other water craft so detained by reason thereof.

Greenfield.

Sec. 4. *BE it enacted*, That Gerard T. Greenfield, he, and is hereby authorised to raise a mill dam in Duck river on his own land below William's ferry, and said dam, when raised is not to extend across more than one third of the width of said river.

Sec. 5. *BE it enacted*, That if said dam when raised shall obstruct the free and easy navigation of said Duck river, the said Greenfield shall be liable to the same fines and forfeitures as is prescribed by law in similar cases.

Sec. 6. *Be it enacted*, That this act shall be in forced from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 15, 1817.

CHAP. XCI.

AN ACT to explain the second section of an act, passed Nov. 14th, 1815, entitled an act to provide for the opening and keeping in repair, that part of a road leading from Virginia and North Carolina to Kentucky, which lies between the Cross Roads at the place called Beans Station in Grainger county, and the ford of Sycamore Creek in Claiborne County.

WHEREAS the commissioners heretofore on said road, by virtue of the before-recited act have been

divided in opinion as respects the meaning of said section, for remedy whereof.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the commissioners heretofore appointed by said recited act, or that hereafter may be appointed, to view and superintend the altering and inspecting the said road, to direct and require the proprietors of said road to keep in repair the Banks of Clinch River into the present fording place of said river, at or immediately above the Bridge, erected on said river by George Evans and his associates, any law to the contrary notwithstanding.

Duty of the
commission
ers.

Sec. 2. *Be it enacted*, That all that part of the 7th section of the before-recited act, as allows to any person the privilege to give information to said commissioners that said road is out of repair, and requiring a view of said road by said commissioners on such information or application, be, and the same is hereby repealed.

Part of former law repealed.

Sec. 3. *Be it enacted*, That it shall be the duty of the commissioners of said road to view the same at least once in every three months.

Sec. 4. *BE it enacted*, That Hugh G. Moore, be appointed a commissioner on said road in the room and stead of Thomas Gill resigned, and that Samuel Bunch be appointed an additional commissioner to those heretofore appointed on said road, with the same powers, privileges, and emoluments as are given to them by the act which this is intended to amend.

H.G. Moore
appointed.

Sec. 5. *Be it enacted*, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 15, 1817.

CHAP. XCII.

AN ACT to provide for a sepearte Election in the county of Anderson.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the Sheriff of Anderson county, shall by himself, deputy, or coroner, on the constitutional days of holding elections, open and hold a sepearte election at the house of Douglass Olliver, in said county of Anderson, for the purpose of electing a governor, members of congress, electors, to elect a president and vice president, members of the state legislature, and militia officers, which said elections shall be held and conducted, under the same rules, re-

Where to be
held.

gulations, and restrictions as similar elections in this state.

Sec. 2. *Be it enacted*, That it shall and may be lawful for all persons who are constitutionally qualified to vote in said county of Anderson, to give in his vote, either at the house of the said Douglass Olliver, or at the court house of said county, as may best suit his convenience.

Returns

Sec. 3. *Be it enacted*, That at the close of said separate election, it shall be the duty of the Judges and returning officer, to count out said votes, and on the succeeding day, make a return to the sheriff of Anderson county, in the town of Clinton, of the number of votes received at said separate election for each Candidate, which return shall be received as part of the election of said county.

Penalty for voting twice

Sec. 4. *Be it enacted*, That if any person shall vote at more than one place of holding elections, he shall forfeit and pay the sum of ten dollars, before any tribunal having cognisance thereof, one half to the county, the other half to any person who will sue for the same.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Nov. 3, 1817.

CHAP. XCIII.

AN ACT supplementary to an act, to establish a college in West Tennessee, and to appoint additional trustees.

Meetings of the trustees where to be held.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That hereafter, all meetings of the trustees of Cumberland College, shall be held at the College near Nashville, or at such other place, as such Trustees may agree to meet by their adjournments.

Additional trustees appointed.

Sec. 2. *Be it enacted*, That the appointments of the following persons, as Trustees of said college, made by the board, be, and the same are hereby confirmed, (to wit.) Edward Ward, in the room of Joel Lewis, deceased, Nicholas Perkins in the room of Wilkins Tannehill, resigned, Adam Goodlet in the room of Willie Blount resigned, Henry Crabb in the room of Robert Weekly resigned, and Jenkin Whiteside in the room of George M. Deaderick deceased.

New scite may be procured.

Sec. 3. *Be it enacted*, That it may be lawful for the trustees of Cumberland College, by purchase or donation to procure some other scite for said College in the vicinity of Nashville, and not more than three miles

from the same, and to sell and dispose of the College square, on which the college is now situate, and apply the proceeds of the sale towards building a house for said college; provided a majority of the acting trustees shall be present and consent to the same.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 15, 1817.

CHAP. XCIV.

AN ACT supplemental to an act, entitled "an act to prevent any person from practising as an attorney in any court of which he is a justice of the peace or clerk, also to prevent him from being clerk at the same time, that he is justice of the peace" passed at Knoxville the day of October, 1817.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That nothing contained in said act to which this is a supplement, shall be so construed as to prevent any clerk of the county court, in this state, from practising as a lawyer, in the circuit court of his county, in all actions, causes and matters which have been, or may be commenced originally in said circuit court.

Sec. 2. *Be it enacted,* That this act shall take effect and be in force from and after the passage thereof.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 14, 1817.

CHAP. XCV.

AN ACT to enlarge the town of Murfreesborough.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the lot or piece of land adjoining the town of Murfreesborough, on the east boundary, on which the Bradley Academy now stands, shall belong to, and be considered as part of the said town of Murfreesborough, and shall be included within the corporation of said town, and be known by lot No. 74.

Academy
lot included
in town, but
exempt from
tax.

Sec. 2. *Be it enacted,* That the proprietor of said lot of land, shall be exempt from the payment of any state, town or county tax during the time said house and lot may be appropriated to the use of said Academy.

Sec. 3. *Be it enacted,* That the lot or piece of land adjoining the town of Murfreesborough on the north belonging to Joshua Haskell, and whereon he now

Lot No. 74

lives, shall belong to and make a part of said town and shall be included within the corporation thereof and be known by lot No. 72.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Nov. 7th, 1817.

Speaker of the Senate.

CHAP. XXVI.

AN ACT to empower the Court of Pleas and Quarter Sessions for Rutherford county to erect a house for the accommodation of the Poor of said county, and for other purposes.

Authorized
to lay tax.

Sec. 1. *Be it enacted by the general assembly of the state of Tennessee,* That the court of pleas and quarter sessions for Rutherford county, may and they are hereby authorised and empowered, at any time after the first day of January next, a majority of the justices of said county being present, to lay a tax on all taxable property in said county, not exceeding the amount of the state tax for the year 1818, and continue the said tax the two succeeding years, if necessary, to raise funds to procure a scite and erect a house for the accommodation of the poor of said county, which tax shall be collected by the same person or persons who may collect the county tax in said county, and be accounted for, and paid over to the trustee of said county, under the same rules and regulations as prescribed by law for the collection of other county taxes.

To procure
land & build
a poor house

Sec. 2. *Be it enacted,* That said court may at the same time, at which the first tax shall be laid, appoint three suitable persons commissioners, whose duty it shall be to select a suitable scite for a poor house in said county, and purchase such quantity of land, as said court may direct not exceeding one hundred acres, and take a conveyance to the chairman of the court of said county, and his successors, for the use of said county, and said commissioners, after giving twenty days notice shall let out to the lowest bidder, the building of a poor house thereon, upon such plan, and under such regulations as said court may prescribe.

A superin-
tendant to
be appointed.

Sec. 3. *Be it enacted,* That so soon as said poor house is completed, said court shall have some suitable person to superintend said house, and the poor therein, either by making such appointment themselves, and fixing his wages, or by letting the same out to the lowest bidder for one year, as they in their discretion may think best—*provided,* that such person shall first enter into Bond with approved security, in the sum of ten thousand dollars, payable to the chair-

man of said court, and his successors in office, conditioned to be void by furnishing such poor with fire when necessary, with good and wholesome diet, and with beds and furniture, and cloathing suitable to their situation, which said bond shall be filed with the clerk of said court for safe keeping, and may be put in suit for a non-performance of such condition, and shall not be void upon the first recovery, but may be put in suit as often as may be necessary until the whole penalty shall have been recovered.

Sec. 4. *Be it enacted*, That the persons so to be appointed to superintend such house and the poor therein, shall receive quarterly such sums as he may be entitled to, provided his account, shall first be allowed by the court and a certificate given therefor.

Allowance
to superintendant.

Sec. 5. *Be it enacted*, That said court may apply all such county monies, not otherwise appropriated to the use of said institution that they may deem proper, and make such compensation to said commissioners for their services as they may deem proper.

County monies may be applied.

Sec. 6. *Be it enacted*, That if either of said commissioners so to be appointed, should die, resign, or remove out of said county, before they perform the duties by this act enjoined, such court shall appoint, a successor, who, as well as the commissioners which shall be first appointed, shall before they enter on the duties hereby enjoined, take an oath, that he, or they will well and truly discharge the duties prescribed by law for the commissioners of the poor house of Rutherford county.

Vacancies
how filled.

Sec. 7. *Be it enacted*, That said court shall have full power and authority, at any time to remove from office or appoint any additional officer, and establish such rules and regulations for the keeping of such poor house, and the accommodation of the poor therein and make such compensation to the persons therein concerned as they may think proper.

Court to establish rules of government.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 8, 1817.

CHAP. XCVII.

AN ACT to appoint additional Trustees for the different academies therein mentioned.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That James V. Anderson, William B. Carter, John G. Eason, David G. Vance, John C. Harris, and Samuel Greer, are hereby appointed Trus-

For Martin Academy.

of Martain Academy in Washington county, in the room of those heretofore removed out of said county, and they are hereby vested with the same power and privileges, which were given to the former Trustees of said Martain Academy.

Transmontania academy.

Sec. 2. *Be it enacted*, That Thomas Anderson, William Hadley, and Doctor James Barry, be appointed Trustees of the Transmontania Academy, in the county of Sumner, in the place of those moved out of the county and resigned, with the same powers and privileges, and under the same restrictions as those heretofore appointed.

Addison Academy.

Sec. 3. *Be it enacted*, That Alexander Smith, Francis J. Carter, and Augustine Jenkins, be and they are hereby appointed additional Trustees to Addison Academy in the county of Cocke, with the same powers and privileges, and be under the same rules regulations and restrictions as those heretofore appointed.

Carrick Academy.

Sec. 4. *Be it enacted*, That Abraham Trigg, Wallis Estill, Henry M. Rutledge and John Doherty, be and they are hereby appointed additional Trustees to Carrick Academy in the county of Franklin.

Jefferson Academy.

Sec. 5. *Be it enacted* That Mathew Rhea Junior, Audley Anderson and Samuel Rhea Junior, be and they are hereby appointed additional Trustees to the Jefferson Academy in the county of Sullivan, and hereby vested with all the powers and authority of those already appointed any thing to the contrary notwithstanding.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 12th, 1817.

CHAP. XXVIII.

AN ACT for the relief of John Finley Jack.

WHEREAS it is satisfactorily made appear to this General Assembly, that a grant issued by the State of North Carolina to William Cocke, for four hundred acres of land, of number two hundred and fifty five, bearing date the twenty fourth day of December, one thousand seven hundred and ninety two, the interest in which grant is vested in John F. Jack, and which land cannot be identified; and whereas, the existing laws has made no provision, by which the said John F. Jack, is enabled to procure a certificate by reason that there is no name of surveyor or character of surveyor to the plat and certificate of survey annexed to said grant, for remedy whereof.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioner of the land office of East Tennessee, be, and he is hereby required to issue to John F. Jack, a certificate or land warrant, for four hundred acres on grant, number two hundred and fifty five, issued by the state of North Carolina, to William Coker, for four hundred acres which said land cannot be identified. Provided, the said John F. Jack, shall make appear to said commissioner that the warrant on which said grant issued is a good and valid land warrant and that no other grant issued thereon.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 12, 1817.

CHAP. XCIX.

AN ACT to remedy in future the inconvenience that may arise out of trials in criminal and civil cases.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act; if a trial shall be commenced in any criminal prosecution or civil cause, before any court having cognizance of the same, and if, during the progress of of the trial, a juror or jurors should become so unwell that, in the opinion of the court presiding in the trial, he or they are unable to serve, he or they may by the court be permitted to retire, and the sheriff shall be directed, and required, to summon *instantly*, a juror or jurors in his or their place or places; who shall, by the direction of the court, be sworn and the trial shall be commenced *de novo*; and the verdict, when rendered, shall be as effectual in law, as if the said juror or jurors last sworn, had been sworn when the jury was first impannelled, any law, usage or custom to the contrary notwithstanding; and this act shall be in force from and after its passage.*

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 14, 1817.

CHAP. C.

AN ACT to amend "an act to direct the method to be observed in the examination and commitment of criminals," passed in the year 1715.

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That when any person or persons

shall hereafter be apprehended for any criminal offence whatever, and upon an examination of the witnesses, both on behalf the state and prisoner, it shall be the duty of the justice or justices before whom said prisoner or prisoners are examined, if they believe the prosecution to be frivolous or malicious, to discharge the prisoner or prisoners, and give judgment against the prosecutor for the costs; but if said justice or justices shall be of opinion that said defendant or defendants is or are guilty of the offence, then he or they shall bind them over to court, as directed by said act of 1815.

Sec. 2. Be it enacted, That this act shall be in force, from and after the first day of January next.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 17, 1817.

CHAP. CI.

AN ACT supplementary to an act, entitled “an act to encourage boring and digging for *Saltwater*, and erecting *Saltworks*,” passed at Nashville, 31st. October, 1815.

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That all persons that have procured any land to be condemned as not fit for cultivation, agreeable to the provisions of the before recited act, shall have the longer time of ten years to procure a good and valid warrant to secure the same, any law to the contrary notwithstanding.

Sec. 2. Be it enacted, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 15, 1817.

CHAP. CII.

AN ACT to repeal in part an act entitled “an act, to prevent the obstruction of the navigation of certain rivers therein mentioned.”

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act so much of an act of the General Assembly entitled “an act to prevent the obstruction of the navigation of certain rivers therein mentioned,” passed November thirteenth, one thousand eight hundred and one, as respects the navigation of Little river in Blount

county, from the upper end of John Walker's plantation on said river, immediately below the falls thereof to the upper end of Tuckatechy cove, is hereby repealed.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 3, 1817.

CHAP. CIII.

AN ACT regulating the proceedings in certain suits therein specified.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That in every instance where an action hath been commenced by any person, or when any person may wish to commence such action, for the purpose of trying his or her title or right to freedom, it shall be a duty of the court, or any judge thereof in vacation, or any two justices of the peace, at any time, pending such suit, to require of the defendant in such action, good and sufficient security, that the person claiming his or her freedom, shall not be run off, removed, taken or sent out of the limits of this state, but that such person shall be kept within the limits of the county until such cause is finally determined: *Provided always*, that such court, or judge, before requiring such bond and security, shall be satisfied by the affidavit of some respectable person, or otherwise, that there is probable reason to believe that such person is entitled to freedom.

In suits for freedom defendant prohibited from running off plaintiff.

Sec. 2. *Be it enacted*, That in every case where an order shall have been made for bond and security, that it shall be the duty of the sheriff, to take such plaintiff into his custody, and take care of him or her, until such bond and security shall have been given, or until such cause shall be determined.

Sheriff in certain cases to take plaintiff into safe keeping.

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passing thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 17, 1817.

CHAP. CIV.

AN ACT to appoint additional Trustees for Porter academy in the county of Blount, and for the Female academy heretofore established in said county by law.

Sec. 1. *BE it enacted by the General Assembly of the*

For Porter Academy. *State of Tennessee,* That James Turk and Thomas Henderson, be and they are hereby appointed additional Trustees for Porter academy in the county of Blount, and are hereby vested with the same powers and subject to the same rules and restrictions as those heretofore appointed.

Female Academy. *Sec. 2. Be it enacted,* That Alexander M'Ghee, John M'Ghee, James Turk, Thomas Henderson and John Lowry, be and they are hereby appointed additional Trustees for the Female academy in the county of Blount, and are hereby vested with the same powers and subject to the same rules and regulations as those heretofore appointed.

Sec. 3. Be it enacted, that this act shall be in force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate

Nov. 4. 1817.

CHAP. CV.

AN ACT to amend the laws heretofore in force regulating the inspection of Tobacco.

County c'ts. may establish inspections. *Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, it shall and may be lawful for the county courts in this state to establish as many Inspections of Tobacco in their respective counties, as they deem necessary, one third of the acting Justices in each county being present, *provided,* any person wishing to have an Inspection of Tobacco established on his land will enter into bond and security to the chairman of said court, to have a good and sufficient warehouse, for the safe keeping of Tobacco and a set of weights and scales, suitable for weighing all such Tobacco as may be deposited at his or their warehouse, and a good and sufficient prize for the purpose of prising in the heads of such hogsheds after the same may be inspected, in nine months after such application.

Rates of storage. *Sec. 2. Be it enacted,* That all such owners of warehouses shall be entitled to receive the sum of fifty cents for each hogshhead of Tobacco, that may be weighed at such scales, provided that the owner of said Tobacco may have the liberty of storing said Tobacco the term of one month without paying any additional fee, and and twenty five cents per month, for each month thereafter, to be paid by the person taking away the same.

Sec. 3. Be it enacted, That it shall be the duty of the courts of said counties wherein there is any Inspec-

warehouses of Tobacco established, or hereafter may be established, and the owner thereof shall have complied with the requisitions of this act, to appoint three inspectors for each inspection, to be designated by first, second, and third Inspectors, who shall hold their appointments during the term of one year and no longer, except they are re-appointed.

Courts to appoint three inspectors.

Sec. 4. *Be it enacted*, That said Inspectors, so appointed, shall enter into bond with sufficient security to the chairman of said county court, in the sum of two thousand dollars each, conditioned for the faithful discharge of their duty; and shall take the oath prescribed in the act of 1799, regulating inspections of Tobacco.

Who shall enter into bond & take an oath.

Sec. 5. *Be it enacted*, That it shall be the duty of the first and second inspectors to attend whenever called on, and inspect all such tobacco as may be deposited for inspection at the warehouse to which they are appointed inspectors, and after inspecting the same, shall have each hogshhead well coopered up, weighed, marked and stored away; and shall give to the owner thereof a printed note, or manifest, containing the gross, tare and neat weight, specifying the quality, which shall be first, second, or third quality, dark or bright as the case may be, together with the name of the warehouse, for which said inspectors shall be entitled to receive the sum of one dollar and fifty cents to be paid by the person applying to said inspectors for such services.

Duty of Inspectors.

Sec. 6. *Be it enacted*, That it shall be the duty of the owner of such tobacco to find nails for coopering and securing the same, should said owner fail so to do, it shall be the duty of the inspectors to find the same, for which they shall be entitled to receive from the owner of said tobacco the sum of twelve and a half cents for each hogshhead.

Owners to find or pay for nails.

Sec. 7. *Be it enacted*, That the inspectors shall appoint some suitable person to pick all such tobacco as the inspectors may refuse, whose duty it shall be, to pick all such tobacco as the before mentioned Inspectors may refuse, provided the owner should not make choice to pick the same or dispose of it in any way that he may make choice of as refused tobacco.

Inspectors to appoint pickers.

Sec. 8. *Be it enacted*, That the said picker, shall before he enters on the duties of his appointment, take the following oath: I, A. B. do solemnly swear that I will without favour or partiality pick all such tobacco as may be assigned to me to pick, that I will carefully reserve all such as I, in my judgment, believe to be sound and of good quality, clear of trash, and such as ought to pass.

Pickers oath.

Duty of Inspectors. Sec. 9. *Be it enacted,* That it shall be the duty of said inspectors to examine all such tobacco as may be reserved by such picker, and if they should be of opinion that the same ought to pass, they are hereby required to give to the owner thereof a transfer note, and said picker for his trouble for picking and reprising shall be entitled to receive one tenth part of all such transfer tobacco.

Sec. 10. *Be it enacted,* That it shall be the duty of the third inspector to attend when called on by one or both of the other inspectors, and at no other time, which shall be in case of absence, or inability of one of the others, or in case they differ in judgment, and when he shall be so called on shall be entitled to his portion of the fees of all such tobacco as he may inspect.

Size of hogs heads,

Sec. 11. *Be it enacted,* That no casks or hogs-heads for tobacco shall exceed fifty two inches in length of the staves, nor thirty six inches in the diameter of the head, with reasonable allowance for prizing which shall not exceed two inches at the prizing head.

Pickers to give bond.

Sec. 12. *Be it enacted,* That such picker of tobacco appointed as by this act directed, shall enter into bond and approved security to the chairman of the court in the sum of two thousand dollars, conditioned for the faithful performance of the duties enjoined on him by this act; which bond together with the inspectors bonds shall be filed in the clerks office.

Transfer to tobacco.

Sec. 13. *Be it enacted,* That any hogshead of tobacco weighing under nine hundred neat, shall be deemed transfer, and subject to be re-prized, and the inspectors are hereby required to issue a transfer note, or manifest.

Owners may export with out inspection.

Sec. 14. *Be it enacted,* That nothing herein contained shall be so construed as to prevent any person from sending any tobacco out of this state without inspecting if they make choice so to do.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Nov. 21, 1817.

CHAP. CVI.

AN ACT for the relief of Abraham Smith.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of East Tennessee, be and hereby is authorised and directed to pay Abraham Smith, twenty seven dollars and seventy five cents, out of any money in the Treasury not other-

wise appropriated, whose receipt shall be a good voucher for him in the settlement of his accounts.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 17, 1817.

CHAP. CVII.

AN ACT to incorporate the inhabitants of the town of Gallatin, in the county of Sumner.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Gallatin, in the county of Sumner, and the inhabitants thereof are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the town of Gallatin, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold, real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a common seal.

Town Incorporated.

Sec. 2. *Be it enacted,* That the corporation aforesaid shall have full power and authority, to enact and pass all laws and ordinances necessary to suppress vice and immorality, to preserve the health of the town, to prevent and remove nuisances, to establish night walks and patrols, to ascertain the boundary and location of streets, lots and alleys, to provide for licensing and regulating auctions, to restrain and prohibit gaming, to provide for licensing, regulating, or restraining theatrical and other public amusements within said term, to pave and keep in repair the streets, to establish necessary inspections, to erect and regulate markets, to appoint a recorder and high constable, to license and regulate a fire company, to lay and collect taxes, to regulate and restrain tippling houses, to impose and appropriate fines and forfeitures, to provide for the sweeping of chimneys, to erect and regulate pumps on the public square, streets or alleys, or to convey water from the vicinity into the town, and to pass all other laws, necessary and proper for the good government of said town, and regulating the police thereon, *provided* they are not incompatible with the Constitution and laws of this state.

Their powers and authority.

Sec. 3. *Be it enacted,* That the laws and ordinances of said town, shall not be obligatory on the persons of said town being citizens of the state, unless in cases of intentional violations of laws or ordinances previously promulgated.

Laws not binding on strangers.

Fines how recovered.

Sec. 4. Be it enacted, That all fines and forfeitures imposed by the bye laws and ordinances of the corporation, shall be sued for and recovered in the name of the corporation, and for the use of said town, before any jurisdiction having cognizance thereof.

Election of Mayor and Aldermen.

Sec. 5. Be it enacted, That the sheriff of Sumner county shall hold an election at the court house in Gallatin on the first Saturday in November 1818, and on the same Saturday in each and every year thereafter, for the purpose of electing seven persons to serve as Aldermen of the corporation of said town of Gallatin, for the term of one year; commencing on the said first Saturday in November in each and every year, and all persons owning a freehold in said town; and also all persons residing within said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at said election for Aldermen, and no person shall be eligible to the appointment of Aldermen unless he be a citizen and freeholder of said town of Gallatin.

Aldermen to elect mayor

Sec. 6. BE it enacted, That the seven persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid shall be taken to be duly elected, and the sheriff of said county of Sumner, shall within three days thereafter, certify the same to the recorder of said corporation, who shall thereupon summon said Aldermen to meet at the court house in said town, on the Saturday succeeding the day of their election, and the said Aldermen shall there meet as aforesaid, and any number not less than five shall be a quorum, and they shall proceed to elect by ballot, one of their own members, to be mayor of said corporation for the same term for which the Aldermen were elected as aforesaid; and whenever any Mayor of said corporation shall die, remove out of said town or resign, another election shall be held by the Alderman in manner aforesaid, of another person, for the time then unexpired, until the next general election of Aldermen; and whenever any Alderman shall die, remove or resign, such vacancy may be filled up by the Mayor and Aldermen of said town at any regular meeting and the person or persons by them appointed shall serve until the next election.

Vacancies how filled.

Penalty on sheriff for neglect.

Sec. 7. Be it enacted. That if the sheriff of Sumner county shall, at any time hereafter, fail or refuse to open and hold an election as aforesaid, he shall forfeit and pay one hundred dollars to the corporation of the town of Gallatin, to be recovered by action of debt, before any jurisdiction having cognizance thereof, for the use of said corporation; and in case the said sheriff of

Sumner county, shall fail or neglect to hold said election at the time and place specified by this act, it shall and may be lawful for him to hold said election for the purpose aforesaid on any succeeding Saturday, in the same, and the same shall be as effectual as tho' the same had been opened and held on the day herein before specified.

Sec. 8. *Be it enacted*, That all publications to be made by sheriffs or other public officers in Sumner county which they are now required by law to have made in a Nashville newspaper, may and shall hereafter be published in a Gallatin newspaper.

Sheriff's to advertise in the Gallatin newspaper,

Sec. 9. *Be it enacted*, That this act shall take effect from and after the last day of October, 1818.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Nov. 17, 1817.

Speaker of the Senate.

CHAP. CVIII.

AN ACT to secure the navigation of the boiling fork of Elk river.

Sec. 1. *Be it enacted by the general assembly of the state of Tennessee*, That it shall and may be lawful for the county court of Franklin, if in their discretion they may think proper, to cause a jury of view, to examine the said creek, and report to the next court of said county, and if they shall think the creek navigable, the court shall, in their discretion appoint two or more overseers, and a sufficient number of hands to clear the said creek of all obstructions as shall be thought reasonable and right.

Sec. 2. *Be it enacted*, That the court of pleas and quarter sessions of the said county, shall have the said navigation kept open, and be under the same rules and regulations as roads in this state.

Sec. 3. *Be it enacted*, That this act shall take effect and be in force from and after the first day of January next.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 17, 1817.

CHAP. CIX.

AN ACT to establish a New County south west of Bledsoe and south of Warren and Franklin counties.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the Territory south west of Bledsoe and south of Warren and Franklin counties,

Its name;

shall constitute a County by the name of MARION.

Its boundaries. *Sec. 2. Be it enacted, That said county of Marion,* shall be bounded as follows, to wit: *beginning on the north west mountain at the fork of Brush Creek, where the road leading from Bledsoe county to Warren county, crosses the same; thence down the said creek to the mouth; thence up Sequachee river to the mouth of Edgimor's Powder Mill Creek; thence up the said creek to the top of Walden's ridge; thence down the top of said ridge; to the bluff on Tennessee river; thence south to the southern boundary line of this state; thence west to the top of the ridge that divides the waters of Crow creek and Mud creek; thence up the said ridge to the top of the mountain that divides the waters of Tennessee from Elk river and the Caney fork of Cumberland river, to the beginning.*

Its courts. *Sec. 3. Be it enacted, That for the due administration of justice, the courts of pleas and quarter sessions and the circuit court in said county, shall be holden at the house of John Shropshire, until otherwise provided for, under the same regulations and restrictions; and shall exercise and possess the same powers and jurisdiction as is possessed by said courts in other counties in this state.*

Militia. *Sec. 4. Be it enacted, That the sheriff of Marion county, shall hold an election at the place of holding courts in said county, on the first Thursday and Friday in April next, for the purpose of electing field officers for said county of Marion, under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county of Marion shall constitute the regiment, and shall be attached to, and become a part of the seventh brigade.*

Sec. 5. Be it enacted, That elections for company officers for the county of Marion, shall be at such places as the commandant of militia in said county may appoint, which said elections shall be held on the first Thursday in June next, under the same rules, regulations and restrictions as are prescribed in like cases.

Elections. *Sec. 6. Be it enacted, That said county of Marion, shall be a part of the district for electing Governor, representative, or representatives to Congress, electors to elect a president and vice president of the United States and members to the General Assembly, to which the county of Bledsoe now belongs, and that elections be held at the place of holding courts in said county at the time and in the manner by law directed, and the sheriff or returning officer of said county shall make return of the polls of said elections to the sheriff of Bledsoe county, in the town of Pikeville, on the day next*

succeeding each election, and upon comparing the votes they shall declare the candidate for the representative of said county of Bledsoe and Marion, who may have the highest number of votes, duly elected, and give certificate accordingly, and it shall be the duty of the sheriff of Bledsoe county to make the return of votes in said counties of Marion and Bledsoe for senator of said district, members of Congress, Governor, &c. as heretofore directed by law.

Sec. 7. *Be it enacted*, That it shall and may be lawful for any justice of the peace for Bledsoe county, to attend at the place appointed by law, for holding court in Marion county, at the first court of pleas and quarter sessions, appointed to be holden for said county, for the purpose of administering to the justices of said county, the necessary oaths.

Sec. 8. *Be it enacted*, That so soon as the treaty lately made with the Cherokee Indians, shall be ratified by the government of the United States, this act shall take effect and be in force, and until that period the inhabitants therein shall still be attached to and considered a part of Bledsoe county.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 20th, 1817.

CHAP. CX.

AN ACT to provide for the issuing a duplicate certificate, and for the issuing of grants thereon.

WHEREAS on the 20th day of July, 1815, Nathan Shipley, commissioner of East Tennessee, issued a certificate for six hundred and forty acres of land, to James P. Taylor of No. 116; and on the 14th day of February 1816, the same was re-examined and adjudged valid by Robert H. Adams, successor in office of said Shipley; and whereas said certificate was assigned to sundry individuals by said Taylor, who made entries thereupon, for land in the surveyor's office of the sixth district, and upon such entries caused surveys to be made, and plats, and certificates of such surveys, together with said certificate to be returned to the office of the register of the land office of East Tennessee, for the purpose of obtaining grants; and in said office, said certificate, has by some means been lost or destroyed before said grants were issued—therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Commission-
er to issue a duplicate.

Duty of Register.

commissioner of East Tennessee, to cause a duplicate to be made out, signed by himself, and countersigned by his clerk, and deliver to the parties concerned, which duplicate it shall and may be lawful for such persons to take to the office of said surveyor, whose duty it shall be to indorse thereon, assignments similar to those which appeared upon the original, and then deliver the same to the persons concerned, who shall cause the same to be returned to the said register's office, upon which, it shall be the duty of said register to make out grants to those persons, that would have been entitled to the same, if said original certificate had not been lost.

Sec. 2. *Be it enacted*, That said register upon making out said grants, shall file in his office, said duplicate certificate, and neither he or any of his successors in office, shall ever make out any grant or grants upon said original certificate, should the same be found; but shall, if the same be found, carefully file the same away with the said duplicate.

Grants on the original to be void.

Sec. 3. *Be it enacted*, That if any grant or grants shall at any time be issued upon said original certificate, such grant or grants shall be null and void.

Sec. 4. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 14, 1817.

CHAPTER CXI.

AN ACT for the removal of the supreme court of Errors and Appeals of the fifth Judicial Circuit, from Clarksville in the county of Montgomery, to Charlotte in the county of Dixon.

Clerk to remove the office within 40 days.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That within forty days from and after the passing of this act, the clerk of the supreme court of errors and appeals, within the fifth judicial circuit in this state, shall remove his office to the court house in the town of Charlotte and county of Dixon, at which place the said office shall hereafter be kept.

Sec. 2. *Be it enacted*, That said supreme court of Errors and Appeals for said fifth judicial circuit, shall be opened and held by the Judges of the said Court at the time prescribed by law for holding the same.

Court to be held at the court-house in Charlotte

Sec. 3. *Be it enacted*, That said court shall be opened and held in said court house in the county of Dixon, at the stated time for holding said court, and

all returns to said court shall be made to the court house in the town of Charlotte, and be as effectual as if the same were made to the court house in the town of Clarkesville, any law to the contrary notwithstanding.

Sec. 4. *Be it enacted*, That so much of an act entitled an act, to establish Circuit Courts and a supreme court of Errors and Appeals, passed at Knoxville the 16th of November 1809, as authorises the court of Errors and Appeals of the fifth circuit to be held at Clarkesville in the county of Montgomery, be and the same is hereby repealed.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

November 10th, 1817.

CHAP. CXII.

AN ACT for the relief of Elizabeth Campbell.

WHEREAS it has been satisfactorily made known to this General Assembly, that the State of Tennessee did on the 17th day of June, 1812, issue to David Campbell deceased, a grant, of No. 2314, for three hundred acres of land, and that the said tract of three hundred acres, is entirely within the butts and bounds of a grant, No. 278, for 19000 acres, issued by the state of North Carolina to Steakley Donnelson, dated the 20th day of July, 1796: for remedy whereof, and for relief to the said Elizabeth.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the commissioner of East Tennessee is hereby authorised and directed to issue to Elizabeth Campbell, Executrix of David Campbell deceased, a duplicate warrant, for three hundred acres of land, on grant, No. 2314, issued by the state of Tennessee to the said David Campbell dec'd.

Sec. 2. *Be it enacted*, That this act shall take effect and be in force from and after its passage.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,

EDWARD WARD,

Nov. 15, 1817.

Speaker of the Senate,

CHAP. CXIII.

AN ACT to incorporate the Knoxville Library Company.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Charles A. C. White, James M. M. White, Hugh L. White, David A. Sherman, Pleasant M. Miller, Thomas Emmerson, Joseph C. Names of the company.

Strong, Edward Scott, Rufus Morgan, James Campbell, William Purris, F. S. Heiskell, William C. Myratt, G. Wilson, David Keller, Thomas Craighead, John Sutherland, Junr. John Crozier, Robert King, James King, John Blair, John A. Montgomery, Nathaniel Cowan, Spencer Jarnagin, John Porter, Zac. Rooth, John M'Campbell, David Campbell, Margaret Humes, John N. Humes, John Whitson, William Alexander, William H. Montgomery, E. Wyatt, Luke Lea, James Kennedy, Junr. Samuel Roberts, John Anthony, Pryor Lea, John H. Kain, James M'Campbell, Calvin Morgan, James Kennedy, Andrew Donovan, William Park, Walter Kennedy, W. C. Kain, and Rnoch Parsons, together with such persons as shall hereafter become members of the company agreeable to its constitution, be and they are hereby made a body politic and corporate, by the name of the Knoxville Library Company, and by that name may sue and be sued, may have a common seal and perpetual succession, may make bye laws and ordinances, relative to assessments, fines and forfeitures upon the members thereof, and to the government and due regulation of the Company and the officers necessary therefor, and may receive, hold and convey personal estate, but shall not make any bye law or ordinance inconsistent with the constitution or laws of the United States, or of the state of Tennessee.

Their powers and privileges.

Sec. 2. *Be it enacted*, That this act shall be in force from and after the passing thereof.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,

November 15, 1817. *Speaker of the Senate.*

CHAP. CXIV.

AN ACT to alter the name and style of the Holston Tennessee Bank, to increase the capital stock thereof, and for other purposes

Name altered.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the bank heretofore established at Jonesborough, under the name and style of the Holston Tennessee Bank, shall in future be called and known by the name and style of the Eastern Bank of Tennessee.

Stock increased.

Sec. 2. *Be it enacted*, That it shall and may be lawful for the capital stock of said Eastern Bank of Tennessee to be increased to four hundred thousand dollars.

Sec. 3. *Be it enacted* That the excess of two hundred thousand dollars, over and above the present capital, shall be divided into shares of fifty dollars each; ten

dollars on each share, shall be paid at the time of subscribing, in current coin of the United States; the further sum of five dollars shall be paid within ninety days succeeding, and the remainder of each share, after the foregoing payments shall have been made, shall be paid at such times, and in such proportions as the board of directors shall order and appoint not exceeding five dollars on each share for each payment, giving at least thirty days between such payments, so to be called for, of which, notice shall be given three weeks in some public newspaper printed in East Tennessee.

Sec. 4. *Be it enacted*, That if any stock holder, either of the original stock, or who may hereafter become a subscriber in pursuance of this act, shall fail to make regular payments of any instalment, when called for, after the first instalment, such stockholder's money in the bank, shall remain free from interest, and not entitled to dividend till such instalment be made good, and the dividend thereafter, to be paid to such stockholder, as well upon the money by him regularly paid as upon the money paid after default, shall be calculated only from the time when said last instalment was made good, if such payment is made on the first day of the month, if on any other day of the month, then to be calculated from the first day of the succeeding month. Penalty on defaulters.

Sec. 5. *Be it enacted*, That books shall be opened under the superintendence of the directors, for the time being at such places as they may think convenient for the purpose of receiving subscriptions for said increase of capital stock, within two years from the passage of this act, and the said directors shall have power to adjourn from day to day, until the whole number of shares shall be subscribed for, and at any time after the first day when said subscriptions shall be complete, it shall be the duty of said directors immediately to close the books, and those only who have actually subscribed previous thereto, shall be entitled to the said stock. Stock to be paid.

Sec. 6. *Be it enacted*, That the said bank, shall at no time be indebted by bond, note, or bill, or other contract, for an amount exceeding double the capital actually paid in, and in case of an excess, all directors under whose administration it shall happen, consenting thereto, shall be liable in their individual capacities, it being understood that money or property being deposited for safe keeping in the said bank, shall not be considered as debts within the provisions of this clause. How much the bank may owe.

Sec. 7. *Be it enacted*, That if the president and directors of the State Bank, shall not, within twelve

months after the passage of this act, signify to the directors of the Eastern Bank of Tennessee, their willingness to accept of them as a branch bank, upon the principles contained in the original charter, then it shall and may be lawful for the said Eastern Bank of Tennessee to establish branch banks, when and where they think it advisable.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 15, 1817.

CHAP. CXV.

AN ACT to appoint additional commissioners for the towns therein named and for other purposes.

Newport.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee;* That Alexander Smith, Samuel Jennings, Lewis Anderson and John Fine, be, and they are hereby appointed additional commissioners for the town of Newport in the county of Cocke.

Sec. 2. *Be it enacted,* That said commissioners shall have the same power and authority, be qualified in the same way, and be under the same rules regulations and restrictions with those heretofore appointed.

County c't.
may repair
their court-
house.

Sec. 3. *Be it enacted,* That the county court of Cocke county be and they are hereby authorised to appropriate any monies now in the county treasury, to building or repairing the court house in said county, *Provided* a majority of the acting Justices of said county are present at the time the appropriation is made.

Dandridge

Sec. 4. *BE it enacted,* That John Fain and William Moore, be, and they are hereby appointed additional commissioners for the town of Dandridge, in the county of Jefferson, with all the power and authority and be under the same rules, regulations and restrictions as those heretofore appointed.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 14, 1817.

CHAP. CXVI.

AN ACT to amend an act establishing a Bank at the town of Franklin, in the county of Williamson passed November 17th, 1815.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of

This act, when any installment shall become due at the periods prescribed by the act intended to be hereby amended or by order of the directors of the Franklin Tennessee Bank, any person copartnership or body politic, failing or neglecting to pay the same shall not be entitled to the benefit of any dividend which may have accrued prior to the time of such required payment or during the delay thereof.

Sec. 2. *Be it enacted*, That the capital stock of the said Bank should hereafter consist of four hundred thousand dollars which shall be divided into shares of fifty dollars each and subscribed for under such rules and restrictions as shall be prescribed by the president and directors. Capital to be \$400,000

Sec. 3. *Be it enacted*, That the whole amount of the debts at any time contracted by the said Bank may extend to any sum not exceeding double the amount of the capital stock actually paid in. Amount the bank may owe.

Sec. 4. *Be it enacted*, That at any time hereafter it shall and may be lawful for the directors of the Bank of the state Tennessee, and the directors of the Franklin Tennessee Bank, with the consent of a majority of the votes of the stockholders of each Bank to come to an agreement by which the capital stock of the Franklin Tennessee Bank, may be added to the capital stock of the bank of the state of Tennessee, and the said Franklin Tennessee Bank become a branch of the said Bank of the state of Tennessee upon such terms and conditions as to the directors of said two Banks may appear just. May become a branch of the State Bank.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 15, 1817.

CHAP. CXVI.

AN ACT to authorise the persons therein named to settle with the commissioners of the town of Columbia.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Samuel Polk, Lemuel Prewitt and Samuel M'Dowell be, and they are hereby authorised and required to settle with the commissioners of the town of Columbia, and to receive of and receipt for all the monies arising from the sale of lots in the said town of Columbia, that is now remaining in their hands, except a reasonable compensation for their services as commissioners, which compensation Persons named.

shall be adjudged by the county court of said county of Maury.

Money to be
paid to Mayor
and Aldermen.

Sec. 2. *Be it enacted*, That the said Samuel Polk, Lemuel Prewett and Samuel M'Dowell, shall pay over the monies received by them of the said commissioners to the Mayor and Aldermen of the town of Columbia, subject to their direction until a Banking association shall be established and go into operation in said town of Columbia.

Who are to
vest in bank
stock.

Sec. 3. *Be it enacted*, That it shall be the duty of the said Mayor and Aldermen and they are hereby directed and required to subscribe for stock in said Bank an amount equal to the sum received from the said persons authorised to settle with said commissioners, and that the dividends arising from said stock shall remain and be a fund for the use of said corporation until otherwise ordered by law.

Vacancies

Sec. 4. *Be it enacted*, That if the persons or either of them appointed by this act to settle with the commissioners shall die, or refuse to act, then and in that case the county court of Maury, is hereby authorised and required to appointed others in their place or places.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,

EDWARD WARD,
Speaker of the Senate.

Nov. 17, 1817.

CHAP. CXVII.

AN ACT to establish the town of Maryville, in the county of Wilson.

Town esta-
blished.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That a town heretofore laid out on the land of William Bumpass in Wilson county be and the same is hereby established agreeably to the plan of said town.

Commission-
ers names.

Sec. 2. *Be it enacted*, That James Williams, Rezin Byrne and Benjamin Seawell, be and they are hereby appointed commissioners of said town, and the said commissioners or a majority of them, shall have full power to regulate any matter that may concern said town, and to adopt such bye laws not inconsistent with the constitution and laws of this state, as may best suit the interest and convenience of the proprietors of said town.

Sec. 3. *Be it enacted*, That the lots in the above named town which have been or hereafter may be sold by the original proprietors, shall be liable to the same state

and county tax, that lots in any other town or towns in this state are subject to.

Sec. 4. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 8, 1847.

CHAP. CXVIII.

AN ACT regulating the practice of the courts of Justices in this state, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, when any injunction shall be obtained, to stay the collection of money on a judgment in any of the courts of this state, and the same shall be dissolved on motion, or on the final hearing of the cause, it shall be the duty of the clerk of the court, in which the said injunction shall be dissolved, or final decree rendered, to enter up judgment against the party obtaining the same, and his securities, for the amount of the principal, interest and costs, and execution shall issue as in other cases. Clerks in E-
quity to en-
ter up judg-
ment & is-
sue execu-
tion.

Sec. 2. *Be it enacted*, That in all cases hereafter, when any cause shall be brought up by certiorari, or appeal, from an inferior to a superior jurisdiction, and the same shall be dismissed for want of prosecution, or for other causes, it shall be the duty of the court, dismissing the same to enter judgment against the principal and his securities, for the amount of the judgment below, with costs and twelve and a half per cent interest from the date of the said judgment. Same prac-
tice in supe-
rior courts.

Sec. 3. *Be it enacted*, That the supreme court of errors and appeals, now holden for the third judicial circuit in the town of Carthage and county of Smith, shall hereafter be holden in the court house in the town of Sparta, and county of White, and it shall be the duty of the clerk of said supreme court, within thirty days after the first day of January next, to remove or cause to be removed, all the books, records and proceedings of his office, to the town of Sparta, and county of White, and all business whatsoever, determinable in the supreme court, and originating in the third judicial circuit, shall be tried, heard and determined in the supreme court at Sparta, and all writs of error and appeals, originating in the county of Sumner, shall be returned, heard and determined in the supreme Sittings of
the supreme
court 3d cir-
cuit remov-
ed from Car-
thage to
Sparta.

Sumner added to the 4th circuit.

court, for the fourth judicial circuit to which said county shall belong.

Sec. 4. *Be it enacted*, That all causes and suits which are depending in the court of errors and appeals for the third circuit, where the parties in said suit reside in Sumner county, or which shall have been taken by writ of error from Sumner county, shall be transferred to the court of appeals of that circuit, to which Sumner belongs, and shall there be tried and determined, and it shall be the duty of the clerk of said court of the third circuit, to hand over to the clerk of the court of the fourth judicial circuit, all the papers and records of said suits, in order that the said suits may be tried in the court of that circuit where Sumner county is situate, together with a transcript of the rules and orders which have taken place, on the said causes.

Repealing Clause.

Sec. 5. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, and so much of an act, entitled "an act to establish a sixth judicial circuit, and for other purposes," as interferes with the provisions of this act, shall be, and and the same is hereby repealed.

Sec. 6. *Be it enacted*, that this act shall take effect and be in force from and after the first day of January next.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Nov. 21, 1817.

CHAP. CXIX.

AN ACT respecting the office of Clerk of the Circuit Courts.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That when it shall so happen that the office of clerk of the Circuit Court in any county in this state, shall have become vacant, or shall hereafter become vacant during the recess of such court, it shall and may be lawful for the circuit Judge residing within said circuit to appoint a person to do and transact the duties of said office until the next term of the circuit court in said county.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

November 15, 1817.

CHAP. CXX.

AN ACT to amend an act entitled an act for the

better establishment and regulation of the militia of this state, passed November 14, 1815.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the third regiment of Rutherford county, shall constitute the fifty third regiment; the third regiment of Bedford county shall compose the fifty fourth regiment, the second regiment of Warren county shall compose the fifty fifth regiment; the second regiment of Franklin county shall compose the fifty sixth regiment; the militia of Lawrence county shall compose the fifty seventh regiment; the militia of Morgan county shall compose the fifty eighth regiment; the third regiment of Smith county shall compose the fifty ninth regiment; the militia of Marion county shall compose the sixtieth regiment, and the said militia of Marion county shall be attached to and compose a part of the seventh Brigade.

Nos. of new
Regiments

Sec. 2. *Be it enacted,* That so much of the eighth section of the present militia law of this state as authorises Brigade drills, and the whole of the thirty second section, be and the same is hereby repealed.

Brigade drills
abolished.

Sec. 3. *Be it enacted,* That regimental drills, battalion and company courts martial are hereby re-established; and shall be held on the same days as heretofore prescribed by law, and the fines and forfeitures shall in all cases be the same, and recovered in the same way as prescribed by an act passed at Knoxville in 1803, entitled an act for the better establishment and regulation of the militia of this state.

Regimental
drills and bat-
talion com-
pany courts
martial re-
established.

Sec. 4. *Be it enacted,* That there shall be two company musters held by the captains of their respective companies in each and every year, and under the same rules, regulations and restrictions as heretofore pointed out by law, which said company musters shall be held, one on the Saturday immediately preceding the regimental musters, the other on the Saturday preceding the Battalion musters; *provided,* that the cavalry shall not be compelled to attend company musters oftener than the above specified number of times in each year.

Company
musters re-
duced to two

Sec. 5. *Be it enacted,* That in all cases, the law requiring Brigade inspectors to attend and drill the officers of Regiments and Battalions, is hereby repealed, and that said officers shall hereafter be drilled by the adjutant of the regiment or such other company officer as the commanding officer present may direct.

Officers to
be drilled by
the adju-
tants.

Sec. 6. *Be it enacted,* That the company commissioned officers of volunteer light infantry and riflemen are authorised to choose their own company muster ground.

Muster
grounds

16th Section repealed. **Staff increased.** **Sec. 7. Be it enacted,** That so much of the sixteenth section of an act passed in 1815, as authorizes the adjutant general to furnish blank forms, be, and the same is hereby repealed.

Sec. 8. Be it enacted, That in addition to the regimental staff now authorised by law, there shall be one surgeons mate, and one quarter master sergeant, who shall be appointed by the commandant of each regiment, and all the returns of the strength and condition of the militia of this state shall be made at the same time and in the same manner as is prescribed by law, and all officers who are now bound to make returns shall make such return agreeable to the forms annexed to this act.

New brigade formed.

Sec. 9. Be it enacted, That the several regiments of the militia in the counties of Lincoln and Bedford, be stricken off the fifth Brigade, and that the same regiments shall form a new Brigade, which shall constitute the tenth Brigade, and that the sheriff of Bedford county shall, by himself or deputy, open and hold an election for field officers of cavalry in the said tenth Brigade, at the house of John Templeton, on the first Monday of March, 1818, and shall open and hold an election for Brigadier General of said Brigade at the said Templeton's on the first Monday of April, in the same year, which elections shall be held and conducted under the same rules and restrictions as similar elections are in this state.

Governor to number regiments.

Sec. 10. Be it enacted, That it shall be the duty of the governor on the formation of any new regiment, to number said regiment in succession with the regiments heretofore established, and commission the officers accordingly.

Officers may act on certificates of election.

Sec. 11. Be it enacted, That so much of the act of 1815, as prohibits officers from acting on the certificate of their election, before they are commissioned, be, and the same is hereby repealed.

Regimental musters.

Sec. 12. Be it enacted, That the twenty second regiment shall hereafter hold a regimental muster on the first Friday in October, the forty fifth on the second Friday and the fifty third regiment on the third Friday of each and every year.

Sec. 13. Be it enacted, That this act shall be in force and take effect from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 21, 1817.

A RETURN of the strength and condition of a Company of Infantry commanded by attached to the Regiment of Tennessee Militia, for the year 18

COMPANY OFFICERS & MEN										Condition	ACCOUTREMENTS.								REMARKS.
CAPTAIN.	LIEUTENANTS.	ENSIGNS	SERGEANTS	CORPORALS	MUSICIANS	PRIVATES.	No. of Men who have performed a tour of duty.	No. of Men subject to duty.	Swords	Muskets	Rifles	Shot Guns	Bayonets & scabbards	Shot Pouches and Powder Horns	Cartridge Boxes	Drums	Fifes	Colours	

I Certify on honor, that the above return of the Company under my command is correct,
Given under my hand this day of 18

**A RETURN of the strength and condition of a Company of Cavalry commanded by
attached to the regiment of Tennessee Militia, for the year 18**

COMPANY OFFICERS & MEN		Condition	ACCOUTREMENTS										REMARKS.
CAPTAIN													
LIEUTENANTS													
CORNETS													
SERGEANTS													
CORPORALS													
BUGLEMEN													
PRIVATES													
No. of Men who have performed a tour of duty.													
No. of Men now subject to duty													
Swords.													
Pistols and Holsters.													
Horses													
Saddles													
Bridles													
Caps													
Cartridge Boxes													
Bugles													
Colours													

I Certify on Honor, that the above return of the company under my command is correct.
Given under my hand this day of 18

A RETURN of the strength and condition of a Regiment of Infantry commanded by
attached to the **Brigade of Tennessee Militia, for the year 18**

FIELD & STAFF OFFICERS.		COMPANY OFFICERS & MEN		Condition	ACCOUTREMENTS.	
LIEUT. COLONEL.						
1st MAJOR.						
2nd MAJOR.						
SURGEON.						
SURGEON'S MATE.						
ADJUTANT.						
REG'TL QP. MASTER.						
QP. MASTER SERGEANT.						
SERGEANT MAJOR.						
DRUM MAJOR.						
FIFE MAJOR.						
CAPTAIN.				No. of Men who have performed a tour of duty.		
LIEUTENANTS.				No. of Men subject to duty.		
ENSIGNS				Swords		
SERGEANTS				Muskets		
CORPORALS				Rifles		
MUSICIANS				Shot Guns		
PRIVATES.				Bayonets & scabbards		
				Shot Pouches and Powder Horns		
				Cartridge Boxes		
				Drums		
				Fifes		
				Colours		

I Certify on honor, that the above return of the regiment under my command is correct.
Given under my hand this day of — 18 .

AN ACT to extend the time of holding the several courts in the county of Blount, and for other purposes.

In Blount c'y Sec. 1. *BE it enacted by the General Assembly of the state of Tennessee*, That from and after the first day of January next, the circuit court in and for the county of Blount, shall commence and be held on the next Monday after the fourth Monday of January and July in each and every year, and all process from said court shall issue and be returnable accordingly, and when it shall so be, that there will be five Mondays in the months of January or July, the said court may be continued and held for two weeks.

In certain cases may sit two weeks. Sec. 2. *Be it enacted*, That hereafter whenever there shall be five Mondays in the months of March, June, September or November, being the months in which the county courts of said county as established by law are held, the said county court may continue and be held for the term of two weeks.

Sec. 3. *Be it enacted*, That the county court of Grainger county, shall hereafter hold the session of their county court only one week, any law to the contrary notwithstanding.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 24, 1817.

AN ACT authorising the Justices of the Peace for Williamson County to dispose of the surplus funds in the hands of the County trustee.

To be applied to public works. Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the Justices of the court of Pleas and Quarter sessions for the County of Williamson, a majority of said Justices being present to dispose of the surplus funds remaining in the hands of the County Trustee, by appropriating the same to public works, by loan, at a rate not exceeding six per cent, or in any other manner which to them may seem best for the benefit of the said County.

Fines to be paid over to the trustee of the county wherethe offence was committed. Sec. 2. *Be it enacted*, That it shall not be lawful for said Justices to loan out any money which may have been paid to the County Trustee in consequence of any fine or forfeiture imposed upon or collected from any individual, in consequence of a crime committed in any other County, but in place of loaning out the

same it shall be the duty of the Trustee of Williamson county, or the trustee of any other county, in this state to pay over to the trustee of such other county upon demand, all and every sum of money, which may have been so received.

Sec. 3. *Be it enacted*, That if any trustee, upon demand being made shall fail or refuse to pay over said monies to the trustee of said county to which it belongs, by virtue of this act, said trustee so demanding said monies, may take judgment by motion, in the circuit or county court of the county to which said monies belong, against said trustee so holding said monies, and his securities; *Provided* said trustee shall have ten days notice, before said judgment is taken.

Penalty for refusing.

Sec. 4. *Be it enacted*, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

Nov. 24, 1817.

CHAP. CXXIII.

AN ACT to establish a town on the lands of Daniel Graves, in the county of Knox.

WHEREAS, it is represented to this General Assembly that the public convenience will be promoted by establishing a town on the lands of Daniel Graves, in the county of Knox; therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a town shall be and hereby is established on the land of Daniel Graves in the county of Knox, to include such lots, streets, lanes and alleys, as have been heretofore laid off, or may hereafter be laid off by the said Graves, or under his direction; and said town shall be called and known by the name of Gravesville.

Gravesville established.

Sec. 2. *Be it enacted*, That Jonathan White is hereby authorised to lay off a town on his own land in the county of Hawkins, on the main road leading from Dotsons ford, on Holston river, to Cheeks Cross Roads, which said town shall contain a proper number of streets and alleys, and be known by the name of Mount Sterling.

Mount Sterling established.

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 22, 1817.

AN ACT to provide for leasing school lands, and for other purposes.

County c'ts.
to app't com-
missioners,
to lease sch-
ool lands.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of each and every County court within this state, where there shall be any land within the bounds of such County, that has been laid off for the use of schools, to appoint as many commissioners as they may think necessary, whose duty it shall be to lease out such lands upon the best terms they can, and to receive the rents due and to become due for such lands, and when received to pay the same into the hands of the County Trustee, for the use of schools, in their proper Counties for the instruction of children; provided, always that the commissioners already appointed shall continue to do the duties imposed upon them by law, until their appointments become vacant by death, resignation or otherwise.

Mill Seats.

Sec. 2. *Be it enacted,* That whenever there shall be found upon any such tracts, any seats for mills or any other water works, that it shall and may be lawful for the commissioners to lease such seat for such term as will compensate some individual for building a mill or other water works thereon, taking care in such lease to compel the lessee at the expiration of the term to leave the mill or other water works in good repair.

Return of
receipts to be
made on oath

Sec. 3. *Be it enacted,* That at the expiration of each and every year, it shall be the duty of such commissioners to return to the Clerk of the County, an account upon oath of all monies received within such year, and of all disbursements made; and it shall and may be lawful for the County courts to make to said commissioners, out of said monies a reasonable compensation for their trouble.

School hou-
ses to be
built.

Sec. 4. *Be it enacted,* That whenever sufficient funds shall have been received for such purpose, that it shall be the duty of such commissioners upon each of said tracts to build a comfortable house for a common english school, to be taught in, and to employ and pay a good teacher of English to instruct all children that may be sent thereto.

Surplus' to
be loaned.

Sec. 5. *Be it enacted,* That whenever a sum of one hundred dollars or more shall be in the hands of any county trustee, for which there is no immediate use, it shall be the duty of such trustee, to loan out such money, taking bond with sufficient security to repay the same with interest at the expiration of twelve months.

To draw on
Trustee.

Sec. 6. *Be it enacted,* That it shall be the duty of such commissioners to draw upon such trustees for

such sums of said money as they may find it necessary to use for the purposes contemplated by this act, which drafts such trustees shall be bound immediately to pay out of said monies.

Sec. 7. *Be it enacted*, That all the monies that is collected and is due, and to become due from the rents on leases of school land, and that has not been appropriated to the use of academies in this state, be and the same is hereby directed to be deposited with the Trustee of the County where such money has been or is to be collected, and to be for the use of schools and the instruction of children.

Money to be deposited with county Trustee.

Sec. 8. *Be it enacted*, That so much of an act entitled "an act for the better disposition of school lands in this state," passed November 16, 1813, is hereby repealed, or so much thereof as authorises the Commissioners or Trustees of the different academies in this state to appropriate the monies arising from the school lands to the use of the academies,

Part of former law repealed.

Sec. 9. *Be it enacted*, That it shall be the duty of either of the Registers of the Land office of this state, to make out and issue grants on all the plats and certificates which shall be returned to either of them, under the provisions of this act, for lands which were or may be surveyed and set apart for the use of schools in this state, agreeable to the provisions of an act passed in the year 1806, which grants shall be in the form following. (to wit :) State of Tennessee, to all to whom these presents shall come Greeting, know ye that in pursuance of the provisions of an act of the Congress of the United States, entitled "an act to authorise the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same." There is granted by the State of Tennessee for the use of schools for the instruction of children, a tract of land in the County of _____ containing _____ acres (describing the boundaries) in witness whereof, A. B. Governor of the State of Tennessee, hath hereunto set his hand and caused the great seal of the said State to be affixed at this day of _____ A. B. E. T. Secretary which grant shall be sealed with the great seal of the State, shall be recorded by the Register in the same manner and under the same rules and regulations with other grants issued by this state, and such grant shall be as effectual to vest the titles to said lands for the use of schools for ever against any grant issued by the State of Tennessee.

Registers to issue grants.

Form of for School land.

Sec. 10. *Be it enacted*, That it shall be the duty of the

To be surveyed,

said commissioners in the respective counties, to cause all of the tracts laid off for the use of schools in their respective counties, to be surveyed by the lawful surveyor or his deputy, where the same has not already been done under the provisions of an act passed in the year 1813, and a plat and certificate of such surveys shall by such surveyor be returned to the Register of the Land office, and the said commissioners are hereby directed to file with the register of that district in which said county shall be, a certificate of survey as have been made under the provisions of the act of the General Assembly of this state, passed in the year 1813, and it shall be duty of the Register of the land offices respectively to make out Grants on such surveys in the manner pointed out in this act.

Former leases to remain inviolate

Sec. 11. *Be it enacted*, That all school land that has been leased by order of any board of trustees of the several academies in this state under the act of 1813, shall remain inviolate by this act until said lease is out, and the money arising therefrom shall remain in the hands of the trustees for the benefit of common schools.

Sec. 12. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate,

Nov. 24, 1817.

CHAP. CXXV.

AN ACT for the relief of the heirs of Christian Rhodes, WHEREAS it is represented to this General Assembly, that a grant was issued by the state of North Carolina to Christian Rhodes for one thousand acres of land, dated the 19th day of February 1795, and number 150, and that said grant calls for and describes land situated in the state of Kentucky, and not in the state of Tennessee, and therefore the heirs of said Christian can neither hold said land by virtue of said grant or draw any warrant thereon.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the commissioner of East Tennessee, to issue to the heirs of said Christian Rhodes, a certificate for one thousand acres of land, upon satisfactory evidence being adduced to him, that the land described in said grant, lies within the state of Kentucky, which certificate shall entitle the heirs of said Christian to enter, cause to be surveyed and obtain a grant, for any vacant land, au-

thorised to be granted by the laws of this state: Provided, that the heirs of Christian Rhodes, shall make satisfactory proof to the commissioner of East Tennessee, that the grant recited in the first section of this act was obtained, and founded on a good and valid warrant.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 21, 1817.

CHAP. CXXVI.

AN ACT to authorise the ranger of Hickman county to advertise Estrays in some paper printed in Nashville or Columbia.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act the Ranger of Hickman county, shall advertise all the estrays taken up and posted within that county, (which by law he is now bound, to advertise in some paper printed in the fifth Judicial Circuit,) in some paper printed in Nashville or Columbia.

Sec. 2. *Be it enacted,* That the publication of all strays directed by law to be printed, and which shall be taken up in Franklin county, shall be published in a newspaper printed in Winchester.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 22, 1817.

CHAP. CXXVII.

AN ACT authorising a separate election in the county of Warren.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a separate election shall be held in Warren county, at the house of William Smith, where it shall and may be lawful for the people residing in the southern part of said county, who are constitutionally authorised to vote, to meet and vote for Governor, Members to Congress, Members to the State Legislature, Electors to Elect President and Vice President of the United States, and field officers of the militia, which said elections shall be held on the day pointed out by the Constitution for similar elections to be held, and shall be conducted, and the returns thereof, made under the same rules, regulations and

restrictions as in other, sepearate elections in said county.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

November 1817.

CHAP. CXXVIII.

AN ACT authorising an additional allowance to the jurors in the counties therein named.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it may be lawful for the justices of the counties of Davidson, Smith, Franklin, Rutherford, Muary, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stuart, Humphreys, Williamson, Jackson, White, Montgomery, Warren, Robertson and Dickson at their first session in each year to lay a tax in said counties, for the purpose of making an additional compensation to the jurors attending the county and circuit courts in said counties, provided a majority of the acting justices of said counties shall be present when said tax is laid, and provided such additional compensation shall not exceed fifty cents per day.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

Nov. 20, 1817.

CHAP. CXXIX.

AN ACT to provide for a sepearate election in the county of Grainger.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the sheriff of Grainger county, shall by himself or deputy, on the constitutional days of holding elections, open and hold a sepearate election, at the house of Robert Fields, on the north side of Clinch mountain, on the waters of flat creek in said county, for the purpose of clecting a governor, members to congri ss, electors to elect a president and vice president, members of the state legislature, and militia officers, which said election shall be held and conducted under the same rules, regulations and restrictions, as similar elections in this state.

Sec. 2. *Be it enacted*, That it shall and may be lawful for all persons constitutionally qualified to vote in said county of Grainger to give in his vote either at the house of Robert Fields, or at the court house of said county, as may best suit his convenience.

Sec. 3. *Be it enacted,* That at the close of the said separate election, it shall be the duty of the judges and returning officers, to count out said votes, and on the succeeding day, make a return to the sheriff of said county, in the town of Rutledge, of the number of votes received at said separate election for each candidate, which return shall be received as part of the election of said county.

Returns to
be made to
Rutledge.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 7, 1817.

CHAP. CXXX.

AN ACT to amend an act, entitled “an act to establish circuit courts, and a supreme court of errors and appeals.”

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That whenever any circuit judge shall fail to attend on the first day of any term of any circuit court, it shall be the duty of the clerk of said court to adjourn the same from day to day until the judge shall attend, or until four o'clock on the evening of the day appointed for the trial of criminal cases in said court; and if the judge shall not attend before four o'clock of the evening of the trial day of the term, nor before four o'clock of the day appointed for the trial of criminal causes, it shall be the duty of the clerk of said court, to adjourn the same until the next term thereof, and said clerk shall and he is hereby authorized to enter forfeitures of all recognizances, as entered into, for the appearance of any person who on being called by the sheriff shall fail to appear, pursuant to such recognizances; and to take new recognizance, from such persons as do appear pursuant to any recognizance formerly entered into by them; and if any person bound in recognizance to appear at such term, shall appear accordingly, and shall fail or refuse to enter into recognizance with security, when security had been previously given, for his, her or their appearance at the next term, such person or persons, shall be deemed to have surrendered him, her or themselves to the sheriff, and shall be by him held in custody, until he, she or they shall enter into such recognizance as is by law required in cases of surrender by bail in similar cases; the same proceedings shall be had in all cases of forfeitures entered by the clerk, in pursuance of this act, as if the same had been entered by order of the court.

Where judges do not attend clerk to adjourn c't. and enter forfeitures.

Grand Jury

Sec. 2. Be it enacted, That whenever a sufficient number of jurors of the original pannel, to compose a grand jury, shall not attend any term of any circuit court on the first day thereof, it shall be the duty of the court to impanel a grand jury, consisting of so many of the original pannel as may attend if any, and the residue of the bystanders; and in case none of the original pannel shall attend, or in case no jurors shall have been appointed to attend said court, then such grand jury shall consist wholly of bystanders; and in either case the jurors composing such grand jury shall be bound to attend until discharged by the court: provided, that the bystanders sworn on any grand jury, shall be either free holders, or house-holders of the county in which such court may be holden.

23th section
repealed.

Sec. 3. Be it enacted, That so much of the 28th section of the before recited act, as requires the judges of the circuit courts, to file their opinions in writing, within ten days from the delivering of the same, be, and the same is hereby repealed.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Nov. 22, 1817.

CHAP. CXXXI.

AN ACT supplemental to "an act to amend an act, to condense and to bring into one view, the Revenue Laws of this state, and to amend the same," passed at Nashville, the seventeenth day of November, 1815.

Tax laid on
Bank Stock

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That all bank stock actually paid into any bank in this state, shall be subject to pay a public tax annually, at the rate of ten cents on every hundred dollars, so actually paid into any bank in this state, and the president or cashier of such bank, is hereby required to make return, on oath, of the amount of the capital stock so actually paid into such bank, of which they are president or cashier, to the clerk of the court of the county in which such bank is established, during the first term of said court in each year, under the same penalty as others are subject to, for failure or neglect to return lists of their taxable property, and said clerk shall, and he is hereby required, to put said returns on the lists by them made out for the collectors of public taxes, the same as other returns of taxable property, and said collectors shall collect the same under the same rules and restrictions, and have the

same emoluments as for collecting other public taxes: *Provided always*, that no tax shall be imposed by virtue of this act upon such part of the capital stock of any bank as may have been subscribed for and is still owned by this state, nor shall any tax be imposed or collected upon any capital stock created, or to be created, for the use of colleges or academies.

Sec. 2. *Be it enacted*, That if any bank, or banking establishment, not chartered by the laws of this state, or any branch of such bank, or any office of discount and deposit, shall hereafter be opened, established, kept or used by such bank, or bank establishment, not chartered by the laws of this state, as a banking-house, or office of discount and deposit, at any place in this state, such bank, or banking association, or branch, or office of discount and deposit, shall be liable to pay a tax to this state of fifty thousand dollars, for each and every year the same shall be conducted, carried on, or used for banking purposes; which tax shall be due and payable, for the first year, within twenty days after such bank, branch bank, or office of discount and deposit shall have been put into operation or commenced, and for each ensuing year, shall be due and payable in twelve months after the tax was due for the preceding year.

Tax on banks not chartered by the state.

Sec. 3. *Be it enacted*, That said tax shall be paid by the president and directors of such bank, branch bank, or office of discount and deposit, or by the cashier or such other person as shall have the charge of the money transactions of such bank, or branch bank, or office of discount or deposit, to the treasurer of East or West Tennessee, within said term of twenty days from the time the same shall go into operation, or be used, and if the same shall not be paid within that time, it shall be the duty of such treasurer, upon his own view, or upon the information of any other person, to make report thereof to the clerk of the court of the county in which the same shall be kept, and the said clerk is hereby authorised, and it shall be his duty, to enter the same on the records of his office as taxable, charging therein the name of the said bank, or branch bank, or office of discount and deposit, together with the name of the president and directors thereof, and of the cashier, or other person having charge of the money concerns of the same, and the said clerk shall issue his tax list, certified under his hand and seal, shewing the tax due from said bank, branch bank, or office of discount and deposit, which shall be delivered to the sheriff of said county, and he shall thereupon proceed to collect the said tax from the money or other personal

How to be collected.

of real property of such bank, branch bank, or office of discount and deposit in the hands of such president and directors, or of such cashier, or other person having charge of said funds; and in collecting the same, such sheriff shall have and possess all the power and authority that the collector of public taxes possess in this state; and he shall have authority to summon the people of his county, and to break open doors and locks, for the purpose of levying on the money of such institution.

Sheriffs in-
demnified.

Sec. 4. *Be it enacted*, That if any action, or actions, shall be brought and prosecuted by such bank, branch bank, or office of discount or deposit, or by any company owning the same, against any sheriff in this state for collecting the said tax, in manner herein pointed out, the state of Tennessee will be responsible for any costs and damages, he may be liable to pay in discharging the duties hereby directed to be performed.

What notes
may be re-
ceived for
taxes.

Sec. 5. *Be it enacted*, That it shall not be lawful for the sheriff or collector of public money in this state, to receive any note on any of the banks of the state of Pennsylvania in discharge of the same, other than notes on some bank in the city of Philadelphia.

Clerks to
produce to
court treas-
urers receipt
for taxes.

Sec. 6. *Be it enacted*, That it shall be the duty of each and every clerk of any county court, circuit court, or supreme court within this state, at the first session of the court of which he is clerk, which shall set after the first day of January, in each year, to produce to said court, the proper treasurers' receipt for having rendered an account of, and the payment of the monies by him collected for the use of the state, in manner heretofore prescribed by law; and the clerk of each county court, shall in like manner, produce to said court, the proper treasurers' receipt for having rendered to him an account of the state tax, for which the sheriff of his county is chargeable, in manner heretofore prescribed by law, and if any of the said clerks shall fail to perform any of the duties imposed upon them by this act, it shall be considered a misdemeanor in office, for which said clerk shall be removed from office, by the court of which he is clerk, and shall not be eligible to the said office for the term of ten years.

Penalty for
failing.

Clerks of old
Superior c't
to account
for certain
monies.

Sec. 7. *Be it enacted*, That it shall be the duty of each of the clerks of the old superior courts, and each of the clerks of the circuit courts, on or before the first day of March next, to make out and return, on oath, to the trustee of the proper county, a correct account of all monies received by him on account of fines and forfeitures, which were to constitute a fund for the payment of witnesses summoned on behalf of the state, and shall

in such account show the amount disbursed to witnesses, and the balance still in his hands, and shall, at the same time, pay to such trustee said balance due.

Sec. 8. *Be it enacted*, That if any such clerks, shall fail, either to render such account or pay over the balance due, it shall be considered a misdemeanor, for which such clerk may be indicted; and upon conviction shall pay any sum, not exceeding one thousand dollars.

Penalty for failure.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,

EDWARD WARD,
Speaker of the Senate.

November 22, 1817.

CHAP. CXXXII.

AN ACT to alter the times of holding the courts therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit court for the county of Greene, shall hereafter commence on the first Monday of March and September; and the circuit court for the county of Washington, shall commence on the second Monday of March and September, any law to the contrary, notwithstanding.

Circuit c'ts
in Greene &
Washington

Sec. 2. *Be it enacted*, That all persons under recognizance, to appear at either of the aforesaid courts, and all persons that are subpoenaed, or shall hereafter be subpoenaed, to attend as witnesses at either of said courts, shall be bound to attend at the time when said courts shall be respectively holden; and all process returnable to either of said courts, shall be returned on the first day of the term of said courts, and the same shall be as valid as if the times of holding said courts had not been altered.

Sec. 3. *Be it enacted*, That the circuit court for Morgan county shall be holden on the first Monday of March and September; and the circuit court of Roane shall be holden on the second Monday of March and September; the circuit court of Rhea, on the third Monday of March and September; the county court of Morgan, shall be holden on the third Monday in January, April, July and October; the county court of Roane, on the fourth Monday in January, April, July and October; and the county court of Rhea, on the first Monday of February, May, August and November.

In Morgan

In Roane.

In Rhea.

County c'ts.
in Morgan.

In Roane.

In Rhea

Sec. 4. *Be it enacted*, That the session of the court of appeals, for the second judicial circuit, shall hereafter be held on the third Mondays of May and November in each year.

Court of Ap
peals in 2d
Circuit.

Interchange
of ridings re-
pealed.

Sec. 5. *Be it enacted,* That so much of the laws of this state, as requires the circuit judges of this state, residing in West Tennessee, to interchange their ridings, is hereby repealed from and after the first day of January 1819; and thereafter, each judge shall preside in his own circuit, except where it shall so happen, that there are causes depending in any circuit on the trial of which the judge residing therein, cannot preside, in which case he shall certify, under his hand, that fact to some other circuit judge in West Tennessee, and such judge shall thereupon, at the next term, interchange ridings for the purpose of trying said causes, which interchange shall continue till said causes are tried.

Sec. 6. *Be it enacted,* That all laws, or parts of laws, coming within the meaning and purview of this act, be, and the same is hereby repealed.

THOMAS WILLIAMSON,
Speaker of the House of Representatives
EDWARD WARD,
Speaker of the Senate.

Nov. , 1817.

CHAP. CXXXIII.

AN ACT to repeal such parts of the stray laws of this state as herein named,

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That so much of the first section of an act, passed in the year 1811, entitled "an act to amend the several laws now in force respecting strays" as requires the taker up of any estray, to return the bond taken in pursuance of said act to the ranger, with valuation and description of the same, be, and the same is hereby repealed, and all bonds taken hereafter agreeable to the provisions of the before-recited act, shall be returned to the ranger by the justice of the peace, who shall take the same within three months thereafter.

Speaker of the House of Representatives.

Speaker of the Senate.

Nov 24. 1817.

CHAP. CXXXIV.

AN ACT to repeal the first section of an act entitled "an act regulating the mode of licensing attorneys in certain cases, and for other purposes, passed 1st Nov. 1815.

Sec. 1. *BE it enacted by the General Assembly of the*

State of Tennessee, That the first section of the before recited act be, and the same is hereby repealed.

Sec. 2. Be it enacted, That hereafter when any person who has been licensed to practice law in any other state, shall apply for license to practice in this state, it shall be the duty of the judges to examine such applicant touching his legal acquirements and if it shall appear to such judge or judges, that the person so applying is qualified to practice law in the different courts in this state, and that he is a person of good moral character, and that he has attained the age of of twenty one years, he or they shall grant him a license under his, or their hands and seals to practice law in the different courts in this state, provided such judges may require such evidence of age and moral character, as to them may be satisfactory.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 7. 1817.

CHAP. CXXV.

AN ACT for the relief of the persons therein mentioned.

Sec. 1. Be it enacted by the General Assembly of the Sarah Elliott
State of Tennessee, That Sarah Elliott, administratrix of the estate of Wyatt Elliott, deceased, be, and she is hereby authorised to sell and convey, so much of the real estate of which the said Wyatt Elliott died, seized and possessed, in his own right in the county of Blount, as will be sufficient to pay all just debts due and owing from the estate of the said Wyat Elloit, and also to pay all the demands of the state against the residue of said land.

Sec. 2. Be it enacted, That Jane Russell, administratrix and Alexander M'Nutt, administrator of the estate of John Russell deceased, be, and they are hereby authorised to sell and convey so much of the real estate of John Russell deceased, of which he died seized and possessed, as will be sufficient to satisfy all just debts due and owing from the estate of the said John Russell deceased, and also to pay all the demands of the state against the residue of said real estate. Jane Russell

Sec. 3. Be it enacted, That Sally A. Estes administratrix and David Martin administrator of the estate of tcs.
Ludwel B. Estes deceased, be, and they are hereby authorised to sell and convey so much of the real estate of Ludwell B. Estes deceased, of which he died seized and possessed, as will be sufficient, to satisfy

all just debts due and owing from the estate of the said Ludwell B. Estes deceased, and also to pay all the demands of the state against the residue of said real estate.

Sec. 4. *Be it enacted*, That this act shall be in force from the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate.

Nov. 5, 1817.

CHAP. CXXXVI.

AN ACT concerning Academies, and town commissioners.

Courts to appoint trustees & commissioners.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act it shall be lawful for the county courts, for the respective counties in this state, in case of the death, resignation or removal of any trustee for any academy within their respective counties, to fill such vacancy by appointing a successor or successors, which appointment shall be entered on the record of said court, and the person or persons appointed, shall have the same power and authority, as if the appointment had been made by the legislature of this state.

Sec. 2. *Be it enacted*, That the several county courts shall have like authority in relation to the commissioners for the town in their respective counties, that is given to them by the first section of this act, for appointing trustees to the academies; and such appointments shall, to all intents and purposes, be as good and valid as if made by this General Assembly.

THOMAS WILLIAMSON,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate.

November 18, 1817.

CHAP. CXXXVII.

AN ACT to lay an additional tax on law suits.

Tax of one dollar on suits.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the several Clerks of Circuit courts and Clerks of county courts in this state, shall collect the sum of one dollar on each suit, commenced by original writ or attachment, and the same on every suit taken to the circuit court from the county court by appeal or certiorari, also the sum of one dollar, on each indictment or presentment, and the sum of fifty cents on each appeal or certiorari from before a Justice

of the Peace, in addition to the tax already collected by law, which shall be taxed on the executions as heretofore.

Sec. 2. *Be it enacted*, That the several clerks shall make return and account for and pay over to the Treasurer said additional tax, at the same time and in the same manner, and be liable in the same way for such additional tax that they are now liable for the tax heretofore imposed. How to be accounted for.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 15th, 1817.

CHAP. CXXXVIII.

AN ACT to fix the times of holding the courts in West Tennessee.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the circuit courts of the counties of West Tennessee, in the third, fourth, fifth and sixth judicial circuits shall be holden at the following times; in the county of Bledsoe, on the fourth Monday of February and August; in the county of Warren, on the third Monday of February and August; in the county of White, on the first Monday of March and September; in the county of Overton, on the second Monday of March and September; in the county of Jackson, on the third Monday of March and September; in the county of Smith, on the fourth Monday of March and September; in the county of Franklin, on the first Monday of February and August; in the county of Laurence on the fourth Monday of February and August; Giles county, on the first Monday in March and September; Lincoln county, on the third Monday in March and September; Bedford county, on the first Monday in June and December; Maury county, on the third Monday of June and December; in the county of Williamson, on the first Monday in February and August; in the county of Rutherford, on the third Monday of February and August; in the county of Sumner, on the second Monday in March and September; in the county of Wilson, on the fourth Monday of April and October; in the county of Davidson on the first Monday of May and November; in the county of Hickman on the first Monday of March and September; in the county of Wayne on the second Monday of March and September; in the county of Humphries on the third Monday of March

Times of holding Circuit courts.

and September; in the county of Dickson on the fourth Monday of February and August; in the county of Stuart on the fourth Monday of March and September; in the county of Montgomery on the third Mondays of February and August; in the county of Robertson on the second Mondays of April and October.

Sec. 2. *Be it enacted*, That the said courts may respectively hold their courts until the business ready for trial shall be decided, or until it shall be necessary for the judge to leave said county and hold some other court.

County C'ts. Sec. 3. *Be it enacted*, That the respective county courts in West Tennessee, shall be holden at the following times:—

For Bladen county, on the second Mondays of January, April, July and October.

For Warren county, on the first Mondays of January, April, July and October.

For White county, on the third Mondays of January, April, July and October.

For Overton county, on the fourth Mondays of January, April, July and October.

For Jackson county, on the first Mondays of February, May, August and November.

For Smith county, on the second Mondays of February, May, August and November.

For Franklin county, on the fourth Mondays of February, May, August and November.

Laurence county, on the first Mondays of February, May, August and November.

Giles county, on the third Mondays of February, May, August and November.

Bedford county, on the first Mondays of January, April, July and October.

Lincoln county, on the third Mondays of January, April, July and October.

Maury county, on the third Mondays of January, April, July and October.

Hickman county, on the second Mondays of January, April, July and October.

Dickson county, on the first Mondays of January, April, July and October.

For Humphries county, on the fourth Mondays of January, April, July and October.

For Stuart county, on the first Mondays of February, May, August and November.

For Montgomery county, on the third Mondays of January, April, July and October.

For Robertson county, on the second Mondays of February, May, August and November.

Williamson county, on the first Mondays of January, April, July and October.

For Davidson county, on the third Mondays of January, April, July and October.

For Wilson county, on the first Mondays of February, May, August and November.

For Rutherford county, on the second Mondays of March, June, September and December.

For Sumner, on the third Mondays of February, May, August and November.

That the county court of Wayne shall be holden on the second Monday of February, May, August and November.

Sec. 4. *Be it enacted*, That each of the said county courts shall be holden for one week, except the counties of Davidson, Williamson, Rutherford, Lincoln, Bedford, Giles, Franklin, Sumner, Maury and Smith, each of which courts, may hold courts two weeks, unless the business shall be sooner finished :

That the county of Wayne, shall compose a part of the sixth judicial circuit, and shall compose a part of the ninth solicitorial district.

Sec. 5. *Be it enacted*, That the session of the su-^{Supreme c't}preme court of errors and appeals for the fourth circuit, ^{in 4th circuit} shall be holden on the fourth Mondays of March and September annually.

And the said court for the fifth judicial circuit, shall be holden on the second Mondays of March and Sep-^{5th Circuit}tember :

And the said court for the third judicial circuit, on 3d Circuit the first Mondays of June and December ; which terms shall continue until the business is finished, or until it is necessary to adjourn to attend some other court.

Sec. 6. *Be it enacted*, That the supreme courts of 2nd Circuit errors and appeals, in and for the second judicial circuit, shall, from and after the first day of January next, be holden, and set on the third Mondays in May and November in each year, in place of the fourth Mondays in those months.

Sec. 7. *Be it enacted*, That if it shall so happen, Courts not confined to courthouses that at any place of holding any of said courts, it shall be inconvenient, from the interference of the session of any of said courts, at the same place, or from any other cause, that any of said courts that should be holden at the court house, that it may be lawful for any of said courts, to hold their sessions or any part thereof, at any other house in the same town.

Sec. 8. *Be it enacted*, That if it shall so happen that May Solic-^{tors} at any term of the county or circuit court of any coun-^{ty} in this state, the attorney general appointed for that

District cannot attend, or in case of no such appointment, any attorney of said court, appointed by the court for that purpose, may attend to and prosecute on behalf of the state in all state business, and his acts in all respects shall be as good and valid, as if done by the officer appointed for that purpose; and he shall be entitled to all the fees, privileges and emoluments, that the proper officer would be entitled to.

Courts when
to set in Ma-
rion,

Sec. 9. *Be it enacted*, That the county of Marion, shall be attached to and become a part of the third judicial circuit, and that the circuit court for the county of Marion, shall be holden on the fourth Mondays in January and July; and that the county courts for said county, shall be holden on the first Mondays in March, June, September and December; and that said county shall not be included within any solicitorial circuit, until the next General Assembly; but in the mean time the county court may appoint a solicitor to prosecute for said county, and in the circuit court for said county, such solicitor shall prosecute for the state.

Judge of 6th
circuit to in-
terchange
ridings.

Sec. 10. *Be it enacted*, That the judge of the sixth judicial circuit, is hereby authorised to interchange ridings at the different terms, or ridings in his circuit, which shall happen before the first day of January, one thousand eight hundred and nineteen, with any of the circuit judges residing in West Tennessee, and upon his certifying to any such judge previous to each of said terms, that he desires such interchange, such judge is hereby required to interchange and preside in said sixth circuit, and said judge of the sixth circuit, shall preside in that circuit in which such judge would preside, at such term by the present laws.

State monies
how recov-
ered.

Sec. 11. *Be it enacted*, That all monies due to the state, and which by law are to be collected by the treasurers thereof if the same shall not be paid, may be recovered by judgment, on the motion of the respective treasurers, in the circuit court of the county in which the treasurer resides, together with interest on the same, from the time such monies ought to have been paid.

County off-
cers to act
at interim.

Sec. 12. *Be it enacted*, That if it shall so happen, that by changing the time of holding any of the county courts in this state, the term of service of any sheriff, or other officer, elected by the county court, will expire during the recess of any court, such sheriff or other officer may continue to act until the next succeeding court after his term of service would have expired if such change in the time of holding court had not taken place.

Allowance
to Jacob
Tipton,

Sec. 13. *Be it enacted*, That it shall be the duty of the treasurer of East Tennessee, to pay to Jacob

Tipton, register of the land office for East Tennessee, the sum of thirty six dollars, which sum the said Tipton has paid for the rent of a house in which to keep his office.

Sec. 14. *Be it enacted*, That this act shall take effect from and after the first day of January, next.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

Nov. 25, 1817.

CHAP. CXXXIX.

AN ACT for the relief of Ezekiel Henry.

WHEREAS it has been made known to this General Assembly, that on the 2d day of October, 1811, a grant was issued by the state of Tennessee to Ezekiel Henry, for three hundred acres of land, of No. 2103, and that the said tract of land is wholly within the butts and bounds of a 19,000 acre tract, granted by the state of North-Carolina, to Stoakley Donalson, dated the 20th day of July, 1796, and within the bounds of a 1000 acre grant, issued by the state of North-Carolina, to the said Stoakley Donalson; for remedy whereof—

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the Commissioner of East Tennessee is hereby authorized and directed, to issue to Ezekiel Henry a certificate for three hundred acres of land, on grant No. 2103, issued by the state of Tennessee to the said Ezekiel Henry; provided that the said Ezekiel Henry shall make satisfactory proof to the said commissioner, that the said land is taken by an older title.

Sec. 2. *Be it enacted*, That this act shall be in force from and after the passage.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

Nov. 21, 1817.

CHAP. CXL.

AN ACT for the relief of the persons therein named. WHEREAS it is represented to this General Assembly that Jesse Patron, Jacob Teemer, Spencer Acuff, Hezekiah Morris of Davidson county; Samuel Richardson of Grainger county; Jesse Cole of Knox county, John Williams of Warren county, in consequence

of bodily infirmity are unable to provide a living for themselves.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the said Jesse Patron, Jacob Teener, Spencer Acuff, Hezekiah Morris of Davidson county, Samuel Richardson of Grainger county, Jesse Cole of Knox county and John Williams of Warren county, be and they are hereby permitted to hawk and peddle throughout this state without paying any tax for a license therefor.

Sec. 2. *Be it enacted,* That the said Jesse Patron, Jacob Teener, Spencer Acuff, Hezekiah Morris of Davidson county, Samuel Richardson of Grainger county, Jesse Cole, of Knox county and John Williams of Warren county, before they shall be permitted to hawk and peddle, shall first apply to the clerk of some county court in this state, and take and subscribe an oath that they will not hawk and peddle, or sell and dispose of any goods, wares and merchandise as agent or factor, for the benefit of any other person or persons, but that the goods, wares and merchandise which they may sell and dispose of by virtue of this act, shall be upon their own account, and for their own benefit; whereupon such clerk shall issue a license to said persons respectively to hawk and peddle throughout this state, without paying any tax for the same.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 18, 1817.

CHAP. CXLII.

AN ACT to incorporate the Intendant and Directors of the Sumner Cotton Factory.

WHEREAS it is to the advantage of the public, to encourage manufacturing institutions, and it has been represented to this General Assembly by the petition of the stockholders of an institution of that description in this state, and by many good and worthy citizens, that they are a company trading and working under the name and style of the Intendant and Directors of the Sumner Cotton Factory, and that they have found from experience, that they cannot prosecute their business with advantage either to the public or themselves, without the benefit of an act incorporating them as a body politic.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That all the persons who are at present stockholders in the aforesaid company, trading

Incorporation.

and working under the name and style of the Intendant and Directors of the Sumner Cotton Factory, or may hereafter be stockholders in the said company, their successors and assigns shall be, and are hereby created and made a corporation and body politic, by the name and style of the Intendant and Directors of the Sumner Cotton Factory, and by that name shall be, and are hereby made able, and capable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods and chattles, and effects of what kind, nature and quality soever they may choose, and the same to grant, demise, enfeoff, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any courts of record, or in any other place whatsoever, and also to make, have, and use a common seal, and the same to alter or renew at pleasure, and also to ordain, erect, establish, and put in execution, such bye laws, ordinances and regulations as may be necessary and convenient for the government and direction of said corporation, not being contrary to the laws, or the constitution of this state, or that of the United States.

For these purposes, general meetings of the stockholders, shall and may be called by the directors in the manner herein after specified, generally to do and execute all such matters and things, as to them shall or may appertain, subject nevertheless to the rules, articles, regulations and restrictions, limitations and provisions, hereafter prescribed and declared.

Sec. 2. *Be it enacted*, That the following rules, restrictions and limitations, and provisions, as they have heretofore been, shall continue, form, and be the fundamental articles of the constitution of said corporation, (viz,)

Fundamental
al articles

ARTICLE. 1.

The capital stock of said corporation, shall not exceed ten thousand dollars, which shall be divided into shares of twenty dollars each. The receipts heretofore given by the commissioners who were appointed originally to receive subscriptions of the money received by them upon the respective shares, shall be held and deemed good evidence of the quantity of stock to which each subscriber shall be entitled.

ARTICLE 2.

The affairs of the company shall be managed by seven Directors, and an Intendant, whose place if chosen from amongst their members, shall be supplied by that body, four of whom with the Intendant, shall form a board of quorum, for transacting any business of the

Fundamental articles. company; ordinary business of minor consideration, may be done by the Intendant and three Directors; in case of sickness, or necessary absence of the Intendant, his place may be supplied by any one of the Directors, whom he, by writing under his hand, may nominate for that purpose; the Directors, shall be elected by the stockholders on the first Monday in January in each year, each Director shall be a stockholder at the time of his election, and shall cease to be a Director if he should cease to be a stockholder; the number of votes to which each stockholder, shall be entitled, shall be in proportion to the stock he may hold, as follows, (to wit :) for one share, and not exceeding five, one vote each; for every two shares above five, and not exceeding ten one vote; for every four shares above ten and not exceeding thirty, one vote; and for every share above that number one vote: but no person or persons, body politic, or otherwise, shall be entitled to more than twenty votes; no share or shares, shall confer a right of suffrage, which shall not have been held three months previous to the day of election.

ARTICLE 3.

A general meeting of the stockholders, shall be holden on the first monday in January in every year, at such place as the board of Directors may appoint, by giving four weeks notice, to be published in one of the newspapers printed in Nashville, for the purpose of electing Directors for the ensuing year, who shall take their seats the ensuing day, and immediately proceed to elect the Intendant, Cashier and Directors for the succeeding year.

ARTICLE 4.

The board of Directors are hereby fully empowered to make, revise, alter or amend all such rules, orders, bye laws and regulations for the government of said company, and of their officers, workmen and labourers, as they or a majority of them, from time to time, may deem expedient, not contrary to law or inconsistent with these fundamental articles; and to use, employ, and dispose of the joint stock, funds, or property of said company subject only to the restrictions hereinafter mentioned, as to them or a majority of them may seem proper.

ARTICLE 5.

If any stockholder shall fail to make regular payments of any instalment, such stockholder shall not be entitled to a dividend until such instalment be made good, and the dividend thereafter to be paid to such stockholder, as well upon the money by him paid, as upon money paid after default, shall be calculated on-

ly from the time when said last instalment was made good. Fundamental
al articles

ARTICLE 6.

All bills, bonds, notes, and every contract and engagement on behalf of the said company, shall be signed by the Intendant and countersigned by the Cashier, and the funds of the company, shall in no case be made responsible for any contract or engagement whatever, unless the same shall be signed and countersigned or attested as aforesaid.

The board of directors shall have power to purchase a scite or small tract of land or to receive for the use and benefit of the said company, such scite or tract of land if donated sufficiently large for all the necessary buildings for the said Cotton Factory, and to receive a deed or deeds for the same, in the name of the Intendant and Directors of the Sumner Cotton Factory, and their successors in office; in selecting the seat for said Factory, the board will make choice of such spot within the county of Sumner, as to them appears to possess the most advantage for the company, taking all the conveniences into view; and to erect thereupon such convenient and permanent buildings as may be deemed necessary for the business of said company.

ARTICLE 7.

The books, papers, correspondence and funds of the company shall at all times be subject to the inspection of the directors, the said board shall have power to appoint an Intendant, Cashier, and such other officers or employ such artists workmen and labourers as may be necessary to carry on the business of the said company to the best advantage, and to establish the compensation to be paid to the Intendant and Cashier, and all other persons employed by said board in the business of the company, all of which together with all other necessary expences shall be paid out of the funds of said company.

ARTICLE 8.

If a vacancy or vacancies, shall at any time happen among the directors, by death, removal, resignation, or otherwise, the residue of the directors, for the time being, shall elect a Director or Directors to fill the vacancy or vacancies until the next election of Directors.

ARTICLE 9.

Dividends of the profits of the said company, or so much of the profits as shall be deemed expedient and proper, shall be declared half yearly in the months of May and November, and be paid in the months of June and December, in every year after the said Factory is in operation, and shall from time to time be determin-

Fundamen-
tal articles.

ed by a majority of said Directors at a meeting to be held for that purpose, and shall in no case exceed the nett profits actually acquired by the company, so that the capital stock shall never be impaired by dividends.

ARTICLE 10.

No transfer in the Sumner Cotton Factory, shall be deemed binding on the company, unless made in a book or books kept for that purpose by the company, and transferred by the holder in person, or by power of attorney; and all the debts due to the company by a stockholder offering to transfer, must be discharged before such transfer shall be permitted to be made as aforesaid, and it is further understood, that any stockholder who shall transfer in manner aforesaid all his stock or shares in said company to any other person or persons whatsoever, shall cease to be a member of this company, and that any person or persons whatsoever, who shall accept a transfer of any stock or shares in this company, shall become a member thereof according to the articles of association.

ARTICLE 11.

The Intendant, Cashier, and each of the Directors, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation, as the case may be: I A. B. do solemnly swear or affirm that I will impartially, faithfully, diligently and honestly execute the duties of Intendant, Cashier or Director, as the case may be, of the Sumner Cotton Factory, conformably to the constitution and articles of association of the same, and trust reposed in me, to the best of my skill and judgment, *so help me God.*

ARTICLE 12.

The Intendant and Directors, or a majority of the whole, shall have power to call a general meeting of the stockholders for important purposes, relative to the concerns of the company, giving at least fifteen days notice in one of the public papers, printed at Nashville, and specifying in such notice, the object of such meeting.

ARTICLE 13.

A number of stockholders, not less than thirty, who together, shall be proprietors of not less than one hundred shares, may for important purposes relative to the institution, call a general meeting of the stockholders, on giving notice as above, if the Intendant and Directors refuse or decline doing so.

ARTICLE 14.

This association shall continue until the first day of January 1830, but may be dissolved at any period by the concurring votes of the proprietors of two thirds of

the capital stock of the said company, provided that notice of such meeting, and its object, shall be published in one of the newspapers printed at Nashville for at least three months previous to the meeting for that purpose. Fundamental articles.

ARTICLE 15.

Immediately on the dissolution of the aforesaid company, effectual measures shall be taken by the directors then existing for the closing all the concerns of the company, and dividing the capital stock and profits which may remain among the stockholders in proportion to their respective interests.

THOMAS WILLIAMSON.

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 21, 1817.

CHAP. CXLII.

AN ACT to authorise Samuel Terry, Peter Hodenpitts and William Rainy to open and establish Turnpike Roads.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Terry is hereby authorised to open and cut out a turnpike road, commencing at the foot of Walden's ridge in Rhea county, at some point between Jacob Wassum's and Richland creek, and extending across said ridge and mountain to the foot of the same, on the south east side of Sequache valley, on the most direct course toward Pikeville in Bledsoe county, that the situation of the ground will admit of; which road, where the situation of the country will permit of it, shall be cut eighteen feet wide, clear of stumps or other obstructions, and where the road has to be causwayed, where the nature of the ground is such that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots, or other obstructions, and if there should be any creek or creeks, that from their nature shall require it, there shall be good, sufficient and substantial bridges built, and if there is any swamps, over which said road may be taken, it shall be the duty of the proprietor of said road, to causeway said road with either rock or wood, to be made over said swamp, at least twelve feet wide clear of stumps, logs or other obstructions.

Route & description of the road.

Sec. 2. *Be it enacted*, That said road shall always be kept in repair, and if it should be permitted to be, and remain out of repair for one month at any one time, after the road is opened and established by the commissioners hereafter appointed by this act, said commissioners shall immediately make report thereof If out of repair report to be made to Bledsoe court.

to the county court of Bledsoe county, if it should be six months before the session of the Legislature, and when said court shall receive said report, they shall order it to be recorded, and said commissioners shall also proceed to open said turnpike gate, and keep the same open until the said road shall be by them adjudged to be in good and sufficient order, they may then grant license under their hands and seals to said proprietor, to shut said gate for the purpose of exacting toll, and if said proprietor, shall either directly or indirectly, exact, take or receive any toll during the time said commissioners set said gate open, said proprietor shall forfeit and pay for every such offence the sum of thirty dollars, to be recovered before any justice of the peace in this state, by any person that will sue for the same; and if the road should be permitted to be, and remain out of repair, at any time within six months before the session of the Legislature, said commissioners after setting open the gate, shall report the same to the General Assembly, whose duty it shall be to elect a new proprietor or proprietors, as the case may be, and when so elected, shall be entitled to receive all the toll rated in this act, and shall be bound to the same duties, regulations, restrictions and penalties as are prescribed by this act for the original proprietors to do and perform.

Proprietor
to give bond
and security

Sec. 5. *Be it enacted*, That the proprietor shall give bond with sufficient security in the sum of two thousand dollars, to the Governor for the time being and his successors in office, conditioned for the true and faithful performance of all the duties enjoined on him by this act, which bond shall be lodged in the Secretary's office, and the Legislature may direct the attorney general for the district, wherein said proprietor lives to commence suit against said proprietor on said bond if satisfactory proof either by report of the commissioners or otherwise should be given to them, that the said road has been one month out of repair at any one time.

Commission
ers appoint-
ed.

Sec. 4. *Be it enacted*, That Isaac Stephens and Reuben Brown of Bledsoe county, together with Alexander Fergusson of Rhea county, shall, and they are hereby appointed commissioners, whose duty it shall be, at any time when called on by said proprietor, to proceed to view, mark, and lay off that part of said road from the foot of Walden's ridge, to the foot of the mountain, on the south east side of Sequache valley, agreeable to the provisions of this act, and they or any two of them shall be competent at all times to do and perform all the acts and duties required of them by this act, and

When the proprietor shall notify said commissioners that the said road is cut out and completed for use, said commissioners shall proceed to examine said road, and if in their opinion the road is in order contemplated by this act, they shall proceed to license said proprietor to keep a toll gate, which license shall be under their hands and seals, and said proprietor may proceed to erect a toll gate on the most convenient part of said road, and shall be entitled to receive the following rates of toll, (to wit:) for each waggon and team, fifty cents; cart and driver, twenty five cents; four wheeled carriage of pleasure, seventy five cents; two wheeled carriage of pleasure, thirty seven and a half cents; man and horse or mule, twelve and a half cents; loose or led horse or mule, not in a drove, six and a fourth cents; loose horse or mule in a drove, three cents;—each head of cattle, two cents; each head of hogs or sheep, one cent.

Rates of toll

Sec. 5. *Be it enacted*, That Peter Hodenpile, and William Rainey, shall be authorised to open and cut out a turn-pike road, from the foot of Cumberland mountain, on the north west side of Sequache valley, crossing the same to the foot of the mountain in Warren county, and shall be bound to the same duties, regulations, restrictions and penalties, that the proprietor is bound in the preceding section in this act, and shall be entitled to receive the following rates of toll (to wit) for each waggon and team, seventy five cents; for each cart and driver fifty cents; for each four wheeled carriage one dollar; for each two wheeled carriage of pleasure fifty cents; for each man and horse or mule, twelve and a half cents; for each loose or led horse or mule in a drove, three cents; for each head of cattle, two cents; for each head of hogs, or or sheep, one cent.

Another road authorized.

Rates of toll

Sec. 6. *Be it enacted*, That the before named Isaac Stephens and Reuben Brown, together with Obediah Jennings, of Warren county, shall and they are hereby appointed commissioners, whose duty it shall be at any time when called on by said proprietors to proceed to view, mark, and lay off, that part of said road, commencing at the foot of Cumberland Mountain, in Bladsee county, and extending across the same to the foot of said Mountain, in Warren county, on the most direct course from Pikeville to M. Minnville, that the situation of the country will admit of, and shall, in every other respect, be regulated and bound by the preceding section of this act, in the same manner and under the same restrictions that the first named commissioners are.

Commissioners appointed.

Commissioners oath.

Sec. 7. Be it enacted, That the Commissioners herein appointed by this act, shall before they enter into the duties of their appointments, take and subscribe the following oath before some justice of the peace, (to wit :) I do solemnly swear, that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities, so help me God: and the aforesaid commissioners shall be entitled to receive at the rates of one dollar and fifty cents each, per day, for every day they may be necessarily engaged in performing the duties enjoined on them by this act, to be paid by the proprietor or proprietors as the case may be.

Proprietors may be sued for damages

Sec. 8. Be it enacted, That if any part of said road or roads shall be out of repair, at any time after it is received by said commissioners, and by reason of which, any person or persons shall sustain any damage either in person or property, he, she or they, may have and sustain an action on the case, against said proprietor or proprietors as the case may be.

Penalty on evading gates

Sec. 9. Be it enacted, That if any person or persons shall pass arbitrarily said gate, or within a mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence to said proprietor, the sum of twenty five dollars, to be recovered by action of debt, before any Justice of the Peace in this state.

Mails to pass free.

Sec. 10. Be it enacted, That the mail stage, and the mail carrier on horse back, shall at all times pass both gates free from paying any toll.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,

Nov. 19, 1817. Speaker of the Senate.

CHAP. CXLIII.

AN ACT to incorporate the inhabitants of the town of Columbia in the county of Maury.

Incorporation.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Columbia, in the county of Maury, and the inhabitants thereof, are hereby constituted a body politic, and corporate, by the name of the Mayor and Aldermen of the town of Columbia, and shall have perpetual succession; and by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed, and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Sec. 2. Be it enacted, That the corporation afore-

said shall have full power and authority to enact and pass such laws and ordinances necessary to preserve the health of said town, prevent and remove nuisances, to establish night watches or patrols, to ascertain when necessary, the boundary and location of streets, lots and alleys, to establish new streets, lanes and alleys, with the consent of the proprietors of the lots or houses adjoining such streets, lanes and alleys, to provide for licensing, and regulating auctions, to restrain and prohibit gaming and to provide for licensing, regulating, and restraining theatrical or other public amusements within the town, to pave and keep in repair the streets, to pass all regulations necessary for the same, to establish necessary inspections within the town, to erect and regulate markets, to appoint a recorder and high constable, to provide for licensing and regulating a fire company, the sweeping of chimneys by the neglect of which the safety of the town may be endangered, to establish and regulate fire wards and fire companies, to erect and regulate pumps in the public square, streets, lanes, and alleys; or to convey water from the vicinity into the town, to impose and appropriate fines, penalties and forfeitures for the breach of their bye laws or ordinances, to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, to regulate or restrain tippling houses, and pass all laws and ordinances, necessary to carry the intent and meaning of this act into effect, provided they are not incompatible with the constitution and laws of this state, Their powers.

Sec. 3. *Be it enacted*, That the laws and ordinances of said corporation, shall be in no wise obligatory upon the persons or property of nonresidents of said town, being citizens of this state, unless in cases of intentional violation of the bye laws and ordinances, previously promulgated. Laws not binding on strangers.

Sec. 4. *Be it enacted*, That all fines, penalties, and forfeitures, imposed by the bye laws and ordinances of said corporation if not exceeding fifty dollars, shall be recovered by action of debt before a single magistrate, and if exceeding that sum, then be recovered by action of debt in the county court of Maury in the name of the corporation and for the use of the town. Fines how recovered.

Sec. 5. *Be it enacted*, That the sheriff of Maury county shall hold an election at the court house in the town of Columbia, on the last Saturday in March in each and every year, for the purpose of electing seven persons to serve as aldermen of the corporation of said town of Columbia for one year, commencing on the Sheriff to hold election

First day of April next thereafter, and all persons owning a freehold within said town, and also all persons residing within said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said election for Aldermen, and no person shall be eligible to the appointment of Alderman unless he be a citizen and freeholder of said town of Columbia.

Aldermen to
elect Mayor

Sec. 6. *Be it enacted*, That the seven persons, qualified as aforesaid, having the highest number of votes at any election, held as aforesaid, shall be taken to be duly elected, and the sheriff of the county of Maury shall, within two days thereafter, certify the same to the recorder of the said corporation, who shall thereupon summon the said aldermen to meet at the court house in the said town of Columbia on the Saturday next succeeding the day of their election, and the said aldermen shall then meet as aforesaid, and any number not less than five shall be a quorum, and they shall then proceed to elect by ballot, one of their members to be mayor of the said corporation for the same time for which the Aldermen were elected as aforesaid, and whenever any mayor of the said corporation, shall die, remove out of the said town or resign, another election shall be made by the aldermen in the manner aforesaid, of another person for the time then unexpired until the next general election of aldermen; and whenever any alderman shall die, remove or resign, such vacancy may be filled up by the mayor and aldermen of the said town at any regular meeting, and the person or persons, by them appointed shall serve until the next election.

Vacancies
provided for

Sec. 7. *Be it enacted*, That when any election for aldermen shall take place in said town of Columbia, and there shall be a vacancy in the office of recorder, then and in that case the sheriff of the said county of Maury, shall notify the persons having the highest number of votes, that they are elected aldermen of said town, and it shall be the duty of the persons notified as aforesaid to meet at the time and place mentioned in the sixth section of this act.

Taxes how
to be collected.

Sec. 8. *Be it enacted*, That when any tax or duty shall be imposed upon any real property lying within the bounds of said corporation, and not paid by the owner or occupier of the same, and there shall not be any personal property of the owner or occupier of the said lot within the limits of said corporation, upon which the same could be levied, then it shall be the duty of the recorder to certify the same to the county court of Maury, at the term to which the sheriff of said

County is required to report lands in his county, on which the state and county tax has not been paid, and upon said report at said term, it shall be the duty of said county court to enter judgment for the tax due said corporation in the same manner that judgments are required to be entered for the non payment of the tax due the state and county upon lands lying within the county, and the same shall be sold at the same time and in the same manner, and subject to the same rules regulations and restrictions that are by law required for the sale of lands lying within said county, on which the state and county tax is not paid, which tax, when collected by the sheriff as provided for in this section, shall be paid by him into the hands of the recorder for the use of said corporation, which sale, when made in manner aforesaid, shall vest the same right and title in the purchaser as if the sale had been made for taxes due the state.

Sec. 9. *Be it enacted*, That all laws, and parts of laws heretofore made for the regulation of the town of Columbia, be, and the same are hereby repealed, and this act shall commence and be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 17, 1817.

CHAP. CXLIV.

AN ACT to provide for opening the navigation of the rivers therein named.

WHEREAS it is of much importance to the welfare and prosperity of this state, that the rivers therein should be rendered navigable, and thereby open a convenient and easy means of conveying the surplus produce of the country to market; and whereas the obstructions in the rivers Holston and Tennessee render the navigation of the same difficult and unsafe; wherefore, and for the purpose of removing said obstructions, and in order to excite the industry and enterprise of the people residing in this state on the waters of said rivers:

Sec. 1. *Be it enacted by the General Assembly of the* Managers *State of Tennessee.* That Edward Cox, Abraham appointed, Leoney, George Hale, Robert Houston, Jacob Miller, Rufus Morgan, John M'Eftee, Thomas Bacon, esqr. and Lawrence Snap, be, and they are hereby appointed a board of managers to superintend the removing the obstructions to the navigation of the ri-

Their powers.

persons herein named, with power to convene and hold meetings from time to time and at such places as may be agreed upon by them for that purpose, to appoint a clerk, who shall keep a regular journal of their proceedings; and they shall appoint a treasurer of their own body, who before he enters on the duties of his office, shall enter into bond, with two or more securities, to the Governor of this state and his successors in office, in the penalty of twenty thousand dollars, with condition that he will well and truly account for and pay over, agreeable to the orders of the board of managers, all such sums of money as he may receive under the provisions of this act; and the said board of managers shall have power either by themselves or by a committee of their body, which shall not consist of less than three to be appointed for that purpose, to make contracts with such and so many persons as to them shall seem proper, for opening the shoals and obstructions in the river Holston, and also the river Tennessee, from the mouth of Holston to where the same first crosses the southern boundary of this state.

Their oath

Sec. 2. *Be it enacted*, That the said managers before they or either of them, shall proceed to execute the duties of their office, shall take the following oath before some justice of the peace "I, A. B. do solemnly swear or affirm, as the case may be, that I will faithfully and impartially discharge the duties of one of the board of managers, to superintend removing the obstructions in the navigation of the rivers in this state, agreeable to the law under which I was appointed, and that in all votes which I will give, I will act for the good of the public, without any favour or partiality to individuals."

Appropriation.

Sec. 3. *Be it enacted*, That whatever sum shall accrue to the state, until the first day of November, one thousand eight hundred and nineteen, for interest on the instalments due to the state for lands south of French Broad and Holston, and not included within the lands surveyed for colleges and academies, shall be placed at the disposal of said managers for the purposes contemplated in this act, and shall be paid to the treasurer of said managers by the treasurer of east Tennessee, from time to time as the same shall come into his hands.

Sec. 4. *Be it enacted*, That whatever sum or sums hath accrued to this state for interest on the instalments due to the state for lands south of French Broad and Holston, and not included within the lands surveyed for colleges and academies, and which has not already been paid to the treasurer, shall be, and

hereby is, placed at the disposal of said managers, for the purposes contemplated by this act; and shall be paid to the treasurer of said managers, by the treasurer of east Tennessee, from time to time as the same shall come into his hands.

Sec. 5. *Be it enacted*, That it shall be the duty of said board of managers to apply the sum arising from interest on the public money herein named, to removing the obstructions in the rivers of east Tennessee.

How to be applied.

Sec. 6. *Be it enacted*, That said board of managers shall hold their first meeting at the Boat Yard, in Sullivan county, on the first Monday of February next, and all subsequent meetings shall be by adjournment to such other times and places as they may think proper; any number of said managers not less than five shall form a *quorum* for the transacting of business.

Meetings of Managers.

Sec. 7. *Be it enacted*, That said board of managers or any number of them, shall have power to cause books of subscription to be opened in all of such places as they may think proper, for the purpose of raising additional funds for the purposes contemplated in this act, and said managers shall have power to collect such monies subscribed for that purpose, and apply the same in the manner directed in this act, unless the application shall be directed specially to some particular river, or part of such river, by the person subscribing, and in that event the same shall be applied as directed.

May receive subscriptions.

Sec. 8. *Be it enacted*, That if any of said managers should die, remove out of this state, or resign, or refuse to act, the governor of this state shall appoint some other fit and proper person in his room, who shall reside as near as may be in the same section of this state with the person in whose room he was appointed.

Vacancies provided for

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Nov. 24, 1817.

CHAP. CXLV.

AN ACT to Incorporate the Banking Associations therein named, and for other purposes.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That all and every person or persons who are or shall become subscribers to the banking association, to be established in the town of Gallatin, in Sumner county and State of Tennessee, under the name and style of the "Gallatin Tennessee Bank," who are or shall be proprietors of the capital

Gallatin Bank established.

stock thereof, shall be, and they and their successors and assigns, are hereby declared to be one body politic and corporate, by the name, style and title of the Gallatin Tennessee Bank, upon the conditions herein after specified, and by the same name shall be continued until the first day of January, one thousand eight hundred and forty one, and shall be liable to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have and to hold, receive, possess, enjoy and retain, to them and their successors and assigns, lands, tenements, hereditaments, rents, chattels, goods and effects, of whatsoever nature, kind or quality, to an amount not exceeding four hundred thousand dollars; including the amount of the capital stock of said company, except such as may be held in security, or for the payment of debts, and the same from time to time, to sell, grant, demise, alien, or dispose of; also, to make, to have and use a common seal, and the same to break, alter and renew at pleasure; and also, to ordain, establish, and put in execution, such bye laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the fundamental articles thereof, or to the constitution and laws of the United States, or of this state; and generally to do, and execute all acts, matters and things consistently with the provisions of this act, which a corporation, or body politic in law, may, or can lawfully do and execute.

Sec. 2. *Be it enacted*, That the following shall constitute the fundamental articles of the said company of the "Gallatin Tennessee Bank," hereby created, that is to say:

ARTICLE. 1.

Fundamental articles.

The capital stock of said company shall consist of four hundred thousand dollars, in money of the United States of America, to be divided into shares of fifty dollars each; ten dollars on each share shall be paid at the time of subscribing; in current coin of the United States; the further sum of five dollars, on each share, shall be paid within ninety days succeeding the day on which the said company shall commence its operations under this act, of which notice shall be given in a Gallatin or Nashville newspaper, for six weeks preceding; and the remainder of each share, after the forgoing payments shall have been made, shall be paid at such times, and in such proportions as the board of directors shall order and appoint, not exceeding five dollars on each share, for each payment, giving thirty days between each payment so to be called for, and

der pain of forfeiting to such company, the benefit of any dividend that may accrue during the delay of such payment, and until the first day of the next month thereafter, but no payment shall be required unless by a notice of three weeks published the Gallatin or Nashville newspaper. Three hundred shares of the above capital stock of said company, shall be reserved to be subscribed for by the government of this state, for the space of two years from and after the commencement of the operation of the affairs of said company, of which notice shall be given to the Governor for the time being, by the board of directors, and if the whole or a part of the said three hundred shares, should not be subscribed for by this state, at the expiration of four years, then, and in that case, it shall be lawful for the board of directors to receive subscriptions for the whole or such part thereof, as this state shall refuse to subscribe for.

ARTICLE 2.

The affairs of the said company shall be conducted by nine directors, who shall elect one of their number for president thereof, and five directors of which the president, or his representative duly appointed, in writing under his hand shall be one, shall form a board or quorum, to transact all the business of the company—ordinary discounts may be done by the president and any three of the directors, in case of his sickness or necessary absence, the place of president may be supplied by any other director, whom he by writing under his hand, shall nominate for that purpose, or in case of his not making such a nomination, the board may appoint a president to act during his absence, and until the first monday in January one thousand eight hundred and nineteen, at which time the first election for directors shall be held, George Crockett, John H. Bowen, John Allen, John Hale, Samuel K. Blythe, William Hadley, Anthony B. Shelby, William Trigg and Robert Desha, shall be directors of said Bank, the directors from and after that period, shall be elected for one year, by the stockholders for the time being, at the place where the concerns or affairs of said bank are carried on, on the first monday in each and every year, during the continuance of this association; the directors chosen at such election, shall take their seats at the board, the second monday in January in each and every year as aforesaid, and until the next directors take their seats, the former board and president shall continue to manage the affairs of the company, in the same manner as heretofore, so that no risk shall be run, of the affairs of the company being im-

Fundamen-
tal articles.

properly managed, until the new directors form a board; from and after the first day of January, one thousand eight hundred and nineteen, all directors shall have been a citizen of this state, at least twelve months immediately preceding his election, and shall also be a stockholder, and he shall cease to be a director, as soon as he ceases to be a stockholder; the number of votes, to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in proportion following (to wit:) for one share, and not more than two shares, one vote for each share; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, one vote; but no person, copartnership, or body politic, shall be allowed or entitled either in his, her, or their own right, or rights, or as a proxy to a greater number than thirty votes, and no share, or shares shall confer the right of suffrage, which shall not be holden at least two calendar months previously to the day of election, all stockholders may vote at elections, or any other question touching the bank by proxy, provided the proxy be derived directly from such stockholders, be voted by a person being a citizen of this state, and be made in such form as the board of directors may appoint, provided that two months notice be given in the public news-paper of the place by the directors of the form and manner of appointing proxy before the day of election, and the same publication shall be made, when any alteration in the mode or form of appointing proxy shall be made, *Provided always*, nevertheless, that in case it should at any time happen that an election of directors, should not be made upon any day, when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day within ten days thereafter, to hold an election and make directors in as ample a manner as if said election had been on the day appointed by this act for holding such election, and in case of a vacancy in the directors occasioned by death resignation, or otherwise, the residue of directors for the time being, shall immediately elect a director to fill such vacancy until the next stated election for directors; a fair and correct list of the stockholders, shall be fixed up at least one month, before any election for directors, in the common hall of the said bank, and in case this state becomes a holder of stock, in the said bank, the directors for the time being, shall give

the Governor of this state, for the time being, a list of fundamental articles, the said stockholders in writing, at least thirty days before the day on which said election shall take place.

ARTICLE 3.

The board of directors, shall have power to make, revise, alter, or annul all such rules, bye laws and regulations for the government of the corporation, and that of their officers, servants, and affairs, as they, or a majority of them, from time to time, think expedient, not inconsistent with the laws or constitution of this state, or of the United States, or of these Articles of Incorporation;

ARTICLE 4.

The said board of directors shall have power to appoint a cashier and all other officers, clerks and servants necessary for executing the business of said corporation, and take security for their good behaviour respectively, in such sum, or sums, as the bye laws of the corporation shall prescribe, and to establish the compensation to be paid to the president and other officers and servants of the corporation respectively, which together with all other necessary expences, shall be defrayed out of the funds of the corporation.

ARTICLE 5.

No director, shall be entitled to any emolument unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president for his extraordinary attendance at the bank, as shall appear to them reasonable.

ARTICLE 6.

A number of stockholders, not less than ten, who together, shall be proprietors of one hundred shares, or upwards, shall have power at any time to call a meeting of the stockholders for the purposes of the institution, so also, shall a majority of the directors, have like power for like purposes, giving respectively, as the case may be, at least six weeks notice, in a Gallatin paper, specifying in such notice the object or objects of such meeting.

ARTICLE 7.

Every cashier, or treasurer, before he enters upon the duties of his office, shall be required to give bond with five or more securities, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour, and faithful performance of the duties of the office, subject to such rules, and regulations, as the directors, at the time of his appointment shall deem necessary.

ARTICLE 8.

All bills, bonds, notes, and every contract and agreement, or engagement on behalf of the company, shall be signed by the president, and countersigned, or attested by the cashier of the company, and the funds of the company, shall in no wise be held responsible for any contract, or engagement whatever, unless the same shall be signed and countersigned or attested as aforesaid.

ARTICLE 9.

The books, papers, correspondence and funds of the company, shall at all times be subject to the inspection of the directors; and this power shall not give any individual director, a right to inspect the account of any private individual or individuals, or any body politic, or corporate with the bank.

ARTICLE 10.

The shares of capital stock at any time owneded by any individual stockholder shall be transferable only on the books of the company, according to such rules, as conformable to law may be established on that behalf by the board of directors, but all debts actually due, or payable to the company, days of grace being passed by a stockholder requesting a transfer, must be satisfied, before such transfer shall be made, unless the board of directors shall direct to the contrary.

ARTICLE 11.

No transfer of stock in said company shall be considered as binding on said company, unless made in a book or books kept for that purpose by the company, and it is hereby further expressly provided, and declared, that any stockholder who shall transfer in the manner aforesaid, all his or their shares in the company, to any other person or persons whatsoever, shall ipso facto cease to be a member of this company, and that any person or persons whatever, who shall accept a transfer of any shares or stock in this company, shall ipso facto become members of this company, agreeable to the fundamental articles of the same, and this act of incorporation.

ARTICLE 12.

The bills obligatory and of credit under the seal of said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon; under the hand or hands of such person or persons, and of his, her, or their assignee or assignees successively, and shall enable such assignee or assignees, to bring and maintain an action, and recover thereon, in his, her, or their own names; and bills or notes which may be issued by order of said corporation,

signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or the bearer, though not under seal of the said corporation, shall be binding, and obligatory on the same, in like manner and with like effect, as foreign bills of exchange now are; and those payable to the bearer may be negotiable and assignable by delivery thereof only, and all bills or notes, at any time discounted by the said corporation, shall be, and they are hereby placed on the same footing as foreign bills of exchange, so that the like remedy, shall be had for the recovery thereof against the drawer, or drawers, endorser and endorsers, and with like effect, except so far as relates to damages, any law, custom, or usage to the contrary thereof in any wise, notwithstanding.

ARTICLE 13.

The directors shall keep fair and regular entries in a book, to be provided for that purpose, of their proceedings, and in any question where two directors shall require it, the yeas and nays of the directors voting, shall be duly inserted in their minutes, and their minutes shall at all times, on demand, be produced to the stockholders when assembled at a general meeting, who shall require the same.

ARTICLE 14.

Lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be required for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been *bonafide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchases at sales upon judgments which shall have been obtained for such debts. Not more than ten thousand dollars shall be expended in procuring ground, and erecting a suitable building for the accommodation of the bank; the time for the purchasing and building, shall be at the discretion of the directors for the time being; and until such building is provided, it shall be lawful for the directors for the time being to rent, or lease a convenient and suitable house for the purpose of the bank.

ARTICLE 15.

The said corporation, shall not directly or indirectly deal or trade in any kind of stock, except bills of exchange, gold or silver bullion, or in the sale of goods, really and truly pledged for money lent, and not rendered in due time, or goods which shall be the produce of its lands; it may vest its contingent funds in

Fundamental articles. the public stock of the United States ; may lend money, but shall not take more than at the rate of one per cent for sixty days, for or upon its loans or discounts, and if the said corporation, or any person or persons, for or to the use of the same, shall deal, or trade in buying or selling any goods, wares or merchandise, or commodities whatsoever, contrary to the provisions of this act; all and every person or persons, who shall have given any order or direction for so dealing or trading, and all and every person or persons, who shall have been concerned as parties or agents therein shall forfeit and loose, treble the value of the goods, wares, merchandise or commodities, in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half to the use of the state, to be recovered with cost of suit, before any court of record in this state.

ARTICLE 16.

Dividends of the profits of said company, or of so much of said profits, as shall be deemed expedient and proper, shall be declared, and paid half yearly, during the months of January and July in every year, and shall be determined from time to time, by a majority of said directors, at a meeting to be held for that purpose, and shall in no case exceed the amount of neat profits actually acquired by the company, so that the capital stock of the company shall never be impaired by the dividends, and at the expiration of every three years from the first monday in January, in the year one thousand eight hundred and nineteen, when the first dividend shall be declared and paid, a dividend of surplus profits shall be made, but the directors shall be at liberty to retain at least one per cent upon the capital for future contingents.

ARTICLE 17.

If the said directors, shall at any time wilfully or wickedly, make or declare any dividend which shall impair the said capital stock, all the directors present at the making or declaring such dividend, and consenting thereto, shall be liable in their individual capacities, to the company, for the amount or proportion of said capital stock, so divided by the directors, and each director who shall be present at the making or declaring of said dividend, shall be deemed to have consented thereto, unless he shall immediately enter in writing his dissent on the minutes of the proceedings of the board, and give public notice to the stockholders that such dividend has been declared.

ARTICLE 18.

The total amount of the debts which the said corpo-

ration shall at any time owe, whether by bond, bill, or note, or other contract, exclusive for money in deposit, shall not exceed double the amount of their capital actually paid in, unless the contracting of any greater debt, shall have been previously authorised by a law of this state; in case of excess, the directors under whose administration it shall happen, shall be liable for the same, in their individual and private capacities; an action of debt, may in such case be brought against them or any of them, or their heirs or administrators in any court of record in this state, or the United States by any creditor, or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary, notwithstanding; but this shall not be construed, so as to exempt the said corporation, or the lands, tenements, goods or chattles of the same from being liable, for, or chargeable with the said excess, such of the said directors, who have dissented from the resolution, or acts whereby the same was so contracted, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact and of their absence or dissent, to the stockholders at a general meeting, which they shall have power to call for that purpose.

ARTICLE 19.

Bonds, bills, notes, or other securities, for the payment of money, shall not be received at the said bank, for collection, unless such bonds, notes and bills, or other securities, are on the face of them, made payable at the Gallatin Tennessee Bank.

ARTICLE 20.

Immediately on the dissolution of the association, or corporation, effectual measures shall be taken by the directors, under whose administration the said dissolution shall take place, for closing all the concerns of the company, and for dividing the capital and profits, which may remain among the stockholders, in proportion to their respective interests.

ARTICLE 21.

The directors herein named and appointed at the passing of this act, shall be charged with procuring subscriptions and receiving payment for shares of the capital stock of this company, agreeably to these articles and this law, in books by them to be opened for that purpose, at such time and place, and under such rules and regulations, as a majority of them shall deem proper, and not contrary to the stipulations in this act—and as soon as two thousand shares are subscribed, and the first payment made thereon, they shall without delay, proceed to organize the affairs of the company,

and commence the operations of the bank, as contemplated by this law, of which time of commencing their operations, they shall give notice in a Gallatin paper, at least six weeks, the said directors, shall also continue to manage the affairs of this company, until an election of directors takes place, on the first monday in January, one thousand eight hundred and nineteen; and from thence until the new board shall form a quorum.

Length of
charter.

Sec. 3. *Be it enacted*, That the powers and obligations of this corporation, shall in all respects continue, for the purpose of bringing the affairs thereof, which shall be depending on the said first day of January, one thousand eight hundred and forty one, to a final settlement and determination.

Cashier to
act on oath.

Sec. 4. *Be it enacted*, That every cashier or treasurer of said bank, or other officer entrusted with the money concerns of the bank, or with paying out and receiving the same, shall, before entering on the duties of his or their appointment, take an oath, before some person authorised to administer the same, truly, honestly, and impartially, to discharge the duties of his or their appointment, as well to said company as to any other person or persons who may have dealings with said company, without favor or partiality; and if any such cashier or treasurer, or other officer entrusted with the money concerns of said bank, or with paying and receiving the same, shall at any time refuse to pay any bill, bond, note or other security, which shall have been signed and executed in the manner prescribed in the articles of incorporation herein contained, as a true and genuine bill, bond, note or other security of said bank, and to be paid by said bank, alledging that such bill, bond, note or other security, is base and counterfeit, or shall brand or mark any such bill, bond, note or other security, as counterfeit, knowing the same not to be base and counterfeit, but

Penalty on
condemning
genuine bills

to be true and genuine, every such cashier or treasurer, or other officer entrusted with the money concerns of said bank, being thereof convicted, shall be sentenced to stand in the pillory two hours, and be declared incapable of holding any office of trust or profit under this state or said bank.

May become
a branch of
the State or
Nashville
bank.

Sec. 5. *Be it enacted*, That at any time a majority of the directors of the State bank or Nashville bank, shall think proper, a majority of the directors of this bank agreeing thereto, the said bank may become a branch of the State bank or Nashville bank, under the rules, regulations and restrictions heretofore prescribed by law, for establishing the State bank or Nashville bank.

Sec. 6. Be it enacted, That there shall and may be a Bank at Carthage. bank established in the town of Carthage, in the county of Smith, by the name of the "Farmers Bank of Tennessee," and by the same name shall so continue, until the first day of January, one thousand eight hundred and forty one, with the same capital, and under the same rules, regulations and restrictions, and entitled to the same privileges as prescribed for the Gallatin Tennessee Bank.

Sec. 7. Be it enacted, That Thomas McNutt, John Owen, Don C. Dixon, George Matlock, Robert Allen, Andrew Allison, John Cockran, Lee Sullivan, and Elijah Toney, shall be directors of said bank until the first day of January, one thousand eight hundred and twenty, Directors.

Sec. 8. Be it enacted, That at any time a majority of the directors of the State bank may think proper, the aforesaid Farmers Bank of Tennessee, may become a branch of the State Bank of Tennessee, under the same rules, regulations and restrictions heretofore prescribed by law for establishing said State Bank. May become a branch.

Sec. 9. Be it enacted, That all publications to be made relative to the business of the Farmers Bank of Tennessee, shall be made in some newspaper printed in Carthage or Nashville. Notices.

Sec. 10. Be it enacted, That there shall be a bank established in the town of Rogersville, in the county of Hawkins, and shall be known and distinguished by the name and style of the "Rogersville Tennessee Bank," and shall have a capital of four hundred thousand dollars, and shall continue until the first day of January, one thousand eight hundred and forty one, and shall be governed by the same rules, regulations and restrictions, and entitled to the same privileges and emoluments as the Gallatin Tennessee Bank. Bank at Rogersville.

Sec. 11. Be it enacted, That Richard Mitchell, John A. Rogers, Francis Dalzell, William Hord, Jacob Miller, Joseph W. Carden, Hugh G. Moore, William Lyons, William Simpson, and Nicholas Fain, shall be directors of said bank until the first day of January, one thousand eight hundred and twenty. Directors.

Sec. 12. Be it enacted, That all publications to be made relative to the business of said Rogersville Tennessee Bank, shall be made in the newspaper published in Rogersville or Knoxville.

Sec. 13. Be it enacted, That there shall be a bank established in the town of Nashville, in the county of Davidson, and shall be known and distinguished by the name and style of the "Farmers and Mechanica Bank at Nashville.

Bank of Nashville," and shall have a capital of four hundred thousand dollars, and shall continue until the first day of January, one thousand eight hundred and forty one, and shall be governed by the same rules, regulations and restrictions, and entitled to the same privileges and emoluments as the Gallatin Tennessee Bank.

Sec. 14. *Be it enacted*, That James Stuart, Thomas Hill, William Carroll, Eli Talbot, Thomas H. Fletcher, Felix Robertson, Samuel Elam, Washington L. Hannum and Jenkin Whiteside, shall be directors of said bank until the first day of January, one thousand eight hundred and twenty.

Sec. 15. *Be it enacted*, That all publications to be made relative to the business of said Farmers and Mechanics Bank of Nashville, shall be made in the Nashville papers.

At Kingston Sec. 16. *Be it enacted*, That there shall and may be a bank established in the town of Kingston, in the county of Roane, with the same capital and under the same rules, regulations and restrictions as the Gallatin Tennessee Bank.

Sec. 17. *Be it enacted*, That Thomas N. Clark, Samuel Eskridge, John Brown, John Purris, John M'Ewen, Gideon Morgan, senr. Samuel Martin, William B. Lenoir and Walter King, shall be directors of said bank, until the first day of January, one thousand eight hundred and nineteen.

Sec. 18. *Be it enacted*, That at any time a majority of the directors of the State Bank may think proper, the said Bank of Kingston, shall become a branch of the State Bank, under the rules, regulations and restrictions, heretofore prescribed by law, for establishing the State Bank.

Sec. 19. *Be it enacted*, That the bank hereby authorised to be established at Kingston, shall be known by the style and name of the Kingston Tennessee Bank.

Sec. 20. *Be it enacted*, That all publications concerning the said institution, shall be made in one or more of the public newspapers printed in Knoxville.

At Winchester Sec. 21. *Be it enacted*, That there shall be a bank established in the town of Winchester, in the county of Franklin, with the same capital, and under the same rules, regulations and restrictions, as the Gallatin Tennessee Bank.

Sec. 22. *Be it enacted*, That Abraham Trigg, Ralph Crabb, John Daugherty, Willis Estill, James Lewis, Jacob C. Isaacs, Thomas D. Wigger, Jonathan Spyker and Henry M. Rutledge, shall be directors of said

Bank, until the first day of January, one thousand eight hundred and nineteen.

Sec. 23. *Be it enacted*, That at any time a majority of the directors of the State Bank, or Nashville Bank, may think proper, the aforesaid bank may become a branch, under the rules, regulations and restrictions heretofore prescribed by law for the establishing the State Bank, or the Nashville Bank.

Sec. 24. *Be it enacted*, That all publications made relative to the Winchester Tennessee Bank shall be made in a newspaper published in Winchester or Nashville.

Sec. 25. *Be it enacted*, That the capital stock of the Bank of the State of Tennessee shall be increased by the creation of eight thousand shares of fifty dollars each, for the sale of which the directors of said bank, shall cause books to be opened at such time and times as to them shall seem best at Columbia, in the county of Maury, giving always thirty days previous notice in some newspaper. At Columbia.

Sec. 26. *Be it enacted*, That said directors shall have power to require the whole amount of fifty dollars to be paid upon each share subscribed, or such part thereof, as to them shall seem best at the time of subscribing and the residue, if any, at such time or times, as the situation of their business may render proper.

Sec. 27. *Be it enacted*, That upon the receipt of the sum of twenty thousand dollars or more, from the sale of stock in said town of Columbia, it shall be the duty of the directors of the bank of the State of Tennessee to establish a branch of said bank at said town of Columbia, under the provisions of the original act incorporating said bank of the State of Tennessee.

Sec. 28. *Be it enacted*, That the county of Maury, and town of Columbia, may, if they choose so to do, be permitted to subscribe for as many shares of the said stock as they may have funds to pay for.

Sec. 29. *Be it enacted*, That if said directors of the Tennessee Bank, shall fail or refuse to establish said Branch Bank at the town of Columbia within one hundred and twenty days after the subscription shall have been made, and the said sum of twenty thousand dollars shall have actually been paid in as aforesaid by the subscribers, it shall not be lawful for said directors to use any part of the capital hereby authorised to be subscribed for at the said town of Columbia. *Provided* nevertheless, that, if the state bank refuses to receive said branch hereby proposed to be established at Columbia, as a branch thereof, then and in that case, it shall be lawful, for said bank to proceed as an inde-

pendant bank, under the name and title of the "Columbia Tennessee Bank," with the same capital, and under the same rules, regulations and restrictions, as are prescribed for the government of the Gallatin Tennessee Bank; and that William Frierson, Samuel Polk, Horatio Depriest, Dorrel N. Sansom, William M'Neill, Patrick M'Guire, Samuel M'Dowel, William Bradshaw and Joseph B. Porter, be, and they are hereby appointed directors of said bank, until the first day of January, one thousand eight hundred and twenty.

Sec. 30. *Be it enacted*, That all publications which may be necessary to be made, touching the regulation of said bank, shall be made in some one of the printing offices in Columbia or Nashville.

Bank at Fayetteville.

Sec. 31. *Be it enacted*, That so much of the first article, of the Charter of the Fayetteville Tennessee Bank as declares that if any stockholder, shall fail to pay so much on each share, by him held, as required by the directors of said Bank, after due notice given, that said shares and all payments previously made thereon shall be forfeited to said company, be and the same is hereby repealed, so far as extends to said Fayetteville Tennessee Bank, and in lieu thereof all dividends accruing to such stockholder after such failure to pay, on such shares shall be forfeited to said company.

Sec. 32. *Be it enacted*, That the seventh section of the aforesaid act establishing a bank at Fayetteville so far as it respects the Fayetteville Tennessee Bank, be and the same is hereby repealed.

Sec. 33. *Be it enacted*, That the charter of the Fayetteville Tennessee Bank shall be extended, and be in force until the first day of January one thousand eight hundred and forty one, that the capital stock of said Fayetteville Tennessee Bank be increased two hundred thousand dollars to be subscribed for, and paid in agreeably to the provisions of the original act establishing a Bank at Fayetteville.

Sec. 34. *Be it enacted*, That at any time hereafter whenever the directors of the Fayetteville Tennessee Bank and the directors of the Bank of the State of Tennessee, or the directors of the Nashville Bank can agree on terms for that purpose, said Fayetteville Tennessee Bank shall become a branch of said Tennessee or Nashville Bank, and shall thereafter be governed by the rules and regulations prescribed for the government of the same.

Sec. 35. *Be it enacted*, That when either the Bank of the State of Tennessee or the Nashville Bank shall

have received an increase of capital by receiving a Branch or Branches under the provisions of this act it shall and may be lawful for the directors of the principal bank, whose capital has been thus increased, to distribute their whole capital amongst the principal bank and branches in such manner as to most promote the interest of the public and of the stockholders, taking care always to leave so much of the capital, at any place which may have furnished the same as can be used profitably at such place.

Sec. 36. *Be it enacted*, That there shall be established a bank in the town of Maryville, in the county of Blount, with a capital composed of eight thousand shares of fifty dollars each, upon the same principles, conditions, limitations and restrictions mentioned in this act, and that the said Bank be called and known by the name and style of the Maryville Bank. At Maryville.

Sec. 37. *Be it enacted*, That Samuel Love, John M'Ghee, James Berry, James Wilson, Thomas Henderson, James Turk, Charles Donoho, John Waugh and William Lowry, Jr, shall be and they hereby are appointed directors, with full power and authority, to open, at such time, or times as to them shall seem best, a book or books for subscriptions for said capital stock, or such part thereof as to them shall seem proper, and said directors shall continue to transact all the affairs of said bank until directors shall be elected, as provided for by this act.

Sec. 38. *Be it enacted*, That if within two years the directors of the bank of the state of Tennessee, shall so choose, they may receive this bank as a branch of the bank of the state of Tennessee, upon the same terms and conditions mentioned in the act establishing the bank of the state of Tennessee.

Sec. 39. *Be it enacted*, That by the aforesaid name and style, said bank shall be continued until the first day of January, one thousand eight hundred and forty one.

Sec. 40. *Be it enacted*, That all publications which may be necessary to be made, touching the regulation of said bank, shall be made at some one of the printing offices in Knoxville.

Sec. 41. *Be it enacted*, That there shall and may be a bank established in the town of Shelbyville, in the county of Bedford, by the name of "The Shelbyville Tennessee Bank," and by the same name, shall so continue until the first day of January, one thousand eight hundred and forty one, with the same capital, and under the same rules, regulations and restrictions At Shelbyville.

and entitled to the same privileges as prescribed for the Gallatin Tennessee Bank.

Sec. 42. *Be it enacted*, That James L. Armstrong, Thomas Davis, John G. Sims, James Deery, John C. Caldwell, Marmaduke Mitchell, James A. McClure, Theoderick F. Bradford, and David Tilford, shall be directors of the said bank until the first day of January, one thousand eight hundred and twenty.

Sec. 43. *Be it enacted*, That at any time a majority of the directors of the State Bank may think proper, the aforesaid Shelbyville Tennessee Bank, may become a branch of the State Bank of Tennessee, under the same rules, &c. as prescribed by law for the regulation of the said State Bank, and that all publications to be made, relative to the said Shelbyville Tennessee Bank, shall be made in some paper printed in Shelbyville or Nashville:

Sec. 44. *Be it enacted*, That no bill shall be issued by the said bank for a less sum than one dollar.

At Murfreesborough.

Sec. 45. *Be it enacted*, That there shall be a bank established in the town of Murfreesborough, in the county of Rutherford, by the name and style of the Murfreesborough Tennessee Bank, and by the same name shall be continued until the first day of January, one thousand eight hundred and forty one, with the same capital, and under the same rules, regulations, and restrictions, and entitled to the same privileges as prescribed for the Gallatin Tennessee Bank.

Sec. 46. *Be it enacted*, That there shall be eleven directors to this Bank, and until the first Monday in January, one thousand eight hundred and twenty, Edward Jones, John Smith, William Barfield, Nicholas Tilford, Joel Childress, Benjamin M'Culloch, Elisha B. Clark, John Clopper, Samuel P. Black, Joshua Haskell and John Fisher, shall be directors of this bank.

Sec. 47. *Be it enacted*, That at any time a majority of the directors of the State Bank or Nashville Bank, shall think proper, a majority of the directors of this bank agreeing thereto, this bank may become a branch of the state bank or Nashville bank, under the rules, regulations and restrictions heretofore prescribed by law for establishing the State Bank or Nashville bank.

Sec. 48. *Be it enacted*, That all publications to be made relative to the business of this bank, shall be made in some newspaper printed in the town of Murfreesborough or Nashville as may be directed by a majority of the directors of this bank.

Sec. 49. *Be it enacted*, That neither of said banks

shall go into operation until such bank shall have actually received on account of the capital stock thereof the sum of twenty thousand dollars in current money of the United States.

Sec. 50. *Be it enacted*, That so soon as the directors of either of said banks, shall have received on account of the capital stock thereof, the sum of twenty thousand dollars, that it shall be the duty of the said directors to notify the directors either of the Nashville bank or of the bank of the state of Tennessee of that fact, and likewise to furnish them with a correct copy of the subscriptions received for said stock, upon the receipt of which it shall and may be lawful for directors of such bank thus notified to receive such subscription and the capital stock created for such bank as an increase of the capital stock of the Nashville bank or of the bank of the State of Tennessee as the case may be, and they shall, as soon as the same can conveniently be done thereafter, establish a branch bank at the place from which such subscription shall have been transmitted to them, upon the same principles that branches are authorised to be established upon, by the act incorporating said bank of the State of Tennessee.

Sec. 51. *Be it enacted*, That if the directors of said Nashville bank or of the bank of the State of Tennessee, do not within forty days after the receipt of such notice, and copy of subscription, give notice that they will accept of such increase of capital and will establish such branch, that then and in that case, said directors who have given such notice, shall and may proceed to put their bank in operation as an independent bank.

Sec. 52. *Be it enacted*, That in every case where such increase of capital is agreed to, and branch established, such increase shall be viewed, as if subscribed to the capital stock of the Nashville bank or of the bank of the State of Tennessee, as the case may be, and the directors thereof, shall have power to call in such capital, at the times and in the manner pointed out in this act, and they shall likewise have full power from time to time, to open books for the sale of any unsubscribed stock, which by this act has been created for such bank or banks, which shall have been received as a branch or branches until the whole thereof shall have been subscribed, taking care always to leave as much of the capital furnished at any place where a branch shall be established as can be profitably used by such bank.

Sec. 53. *Be it enacted*, That it shall and may be lawful for any banking association, chartered under the authority of this state, at any time when a majority of

the stock paid in before business is commenced, of which the State & Nashville banks are to be notified.

If rejected as branches to be independent banks.

If accepted sales of stock provided for

Banks may
dissolve
themselves

the stockholders may think such a measure expedient although the time for which such charter was granted shall not have expired, to close their concerns by paying all debts which such bank may owe, receiving all debts due to them, and repaying to the stockholders the capital to which they may be respectively entitled as well as their proportion of any surplus profits that may be on hand.

Size of notes

Sec. 54. *Be it enacted*, That no bank hereby chartered and established shall issue any bill or note for a sum less than one dollar.

Sixth section
of Nashville
bank chart-
er repealed.

Sec. 55. *Be it enacted*, That the following words near the close of the sixth section of the act entitled "an act to incorporate a banking association, by the name of the Nashville Bank," passed November the 26th, 1807, (to wit) "and also a further sum equal to one half of said amount so demanded" be and the same are hereby repealed.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

November 15, 1817.

CHAP. CXLVI.

AN ACT to incorporate the inhabitants of the town of Greeneville, in the county of Greene.

Incorporati-
on.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the town of Greeneville, in the county of Greene, and the inhabitants thereof, including forty poles round said town, are hereby constituted a body politic, and corporate, by the name of the mayor and Aldermen of the town of Greeneville, and shall have perpetual succession, and by their corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, personal, and mixed property; or dispose of the same for the benefit of said town, and may have and use a town seal.

Their pow-
ers.

Sec. 2. *Be it enacted*, That the corporation afore-said shall have full power and authority to enact and pass such laws and ordinances necessary to preserve the health of said town, to prevent and remove nuisances, to establish night watches and patrols, to ascertain when necessary, the boundary and location of streets, lots and alleys, to establish new streets, lanes and alleys, with the consent of the proprietors of the lots or houses adjoining such streets, lanes and alleys, to provide for licensing, and regulating auctions, to restrain and prohibit gaming, and to provide for licen-

ing, regulating, and restraining theatrical or other public amusements within the town, to pave and keep in repair the streets, to pass all regulations necessary for the same, to establish necessary inspections within the town, to erect and regulate markets, to appoint a recorder and high constable, to provide for the licensing and regulating a fire company, the sweeping of chimnies by the neglect of which the safety of the town may be endangered, to impose and appropriate fines, penalties and forfeitures for the breach of their bye laws or ordinances, to lay and collect taxes for carrying the necessary measures into operation for the benefit of said town, to restrain tippling houses, and pass all laws and ordinances, necessary to carry the intent and meaning of this act into effect, provided they are not incompatible with the constitution and laws of this state.

Sec. 3. *Be it enacted*, That the laws and ordinances of said corporation, shall be in no wise obligatory upon the persons or property of nonresidents of said town, being citizens of this state, unless in cases of intentional violation of the bye laws and ordinances, previously promulgated: Provided nothing herein contained shall be so construed as to prevent said corporation from laying and collecting a tax on the property of non-residents. Laws not binding on strangers

Sec. 4. *Be it enacted*, That all fines, penalties, and forfeitures, imposed by the laws and ordinances of said corporation if not exceeding fifty dollars, shall be recovered before the mayor of said corporation, and in cases of difficulty, the mayor shall require two or more of the aldermen to sit with him on such trials, and judgments in the mayor's court, subject to appeal to the county court, in the same manner, and under the same rules as before a justice of the peace, and if exceeding that sum, then to be recovered by action of debt in the county court of Greene in the name of the corporation and for the use of the town. Fines how recovered

Sec. 5. *Be it enacted*, That the sheriff of Greene county shall hold an election at the court house Greeneville, on the last Monday of December, in each and every year, for the purpose of electing seven persons to serve as aldermen of the corporation of said town of Greeneville, for one year, commencing on the first day of January next thereafter, and all persons owning a freehold within said town, and also all persons who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said election for Aldermen, and no person shall be eligible to the appointment of Alderman unless he shall Sheriff to hold election

have been a citizen of said town of Greenville, for twelve months previous to said election.

**Aldermen to
elect Mayor**

Sec. 6. Be it enacted, That the seven persons, qualified as aforesaid, having the highest number of votes at any election, held as aforesaid, shall be taken as duly elected aldermen for said town, and the sheriff of the said county of Greene, shall, within two days thereafter, notify the said aldermen of their election, whose duty it shall be to meet at the court house in Greenville, on the Saturday next succeeding the day of their election, and any number not less than five shall constitute a quorum, and they shall then proceed by ballot, to elect one of their own number to be mayor, and the person so elected shall be accordingly mayor of the said corporation for the same time for which the Aldermen were elected as aforesaid, and whenever any mayor of the said corporation, shall die, remove out of the said town or resign, another election shall be made by the aldermen in the manner aforesaid, of another person for the time then unexpired until the next general election of aldermen; and when any alderman shall die, remove or resign, such vacancy may be filled up by the mayor and aldermen of the said town at any regular meeting, and the person or persons, by them appointed shall serve until the next election.

**Vacancies
provided for**

**Recorder &
Constable.**

Sec. 7. Be it enacted, That the Mayor and aldermen at their first meeting after the election of aldermen shall proceed to the election of a Recorder and Constable, to said corporation, and the recorder thus elected, shall take and subscribe before the Mayor the following oath: I. A. B. do solemnly swear, that I will faithfully and impartially discharge the duties of Recorder to the corporation of Greenville, to the best of my knowledge and ability, so help me God; and the person thus elected, and taking the above oath, shall be recorder of said corporation for one year, or until a new election takes place.

**Constable to
give bond.**

Sec. 8. Be it enacted, That the constable of said corporation, before entering on the duties of his office, shall give bond and security to the Mayor or his successors in office, in the sum of one thousand dollars, conditioned for the faithful discharge of the duties of his office, and for the payment to the recorder of all monies by him collected in virtue of his office, and shall also take an oath before the Mayor, or some Justice of the Peace for Greene county, that he will well and truly discharge the duties of Constable to said corporation, and the person elected and complying with the above, shall act as constable to said corporation, for one year from his election, or until a new election takes place.

Sec. 9. *Be it enacted*, That the property of non-residents, which shall be reported by the corporation for the non payment of the taxes due thereon, shall be proceeded against in the county court, in the manner heretofore prescribed for non-residents reported by the sheriff.

Sec. 10. *Be it enacted*, That the commissioners of Towns in the town of Greeneville, shall, within thirty days after the qualification of the mayor and aldermen, pay over to the said corporation, all monies that may be in their hands, collected by them by virtue of their appointment as commissioners.

Sec. 11. *Be it enacted*, That the mayor and aldermen shall supercede and possess all the powers of the present commissioners, both as respects the public buildings and otherwise, and all laws and parts of laws heretofore made incompatible with the provisions of this act, be and the same are hereby repealed.

Sec. 12. *Be it enacted*, That the Mayor and aldermen of said town, shall before they enter on the duties of their office, take and subscribe an oath before some Justice of the Peace, that they will well and truly perform the duties of Mayor and aldermen for the time for which they were elected.

Sec. 13. *Be it enacted*, That this act shall be in force from and after its passage.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 18, 1817.

CHAP. CXLVII.

AN ACT for the relief of Joseph Herndon and John Stephens, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Herndon be and he is hereby authorized to build a mill dam across Duck river on his own land in the county of Maury.

Sec. 2. *Be it enacted*, That if said mill dam should obstruct the free and easy navigation of said Duck river, nothing herein contained shall be so construed as to prevent said Joseph Herndon from being liable to the same fines and forfeitures as prescribed by law, in similar cases.

Sec. 3. *Be it enacted*, That John Stephens be and he is hereby authorised to erect a mill dam across Little river in Blount county, on his own land, *Provided* that the said John shall erect a sufficient slope or lock in said mill dam, so as to admit of the safe and conve-

Commissioners superceded.

Mayor and aldermen to act on oath.

Herndon may build a mill.

Not to obstruct the navigation.

Stephens

lient passage of such boats as may descend said river.

Sec. 4. *Be it enacted*, That all persons who may have built a mill dam or dams across Duck river, above the town of Shelbyville, in the county of Bedford, shall be exempt from paying any fine, or forfeiture on account of such dam until the rise of the next General Assembly.

Alexander.

Sec. 5. *Be it enacted*, That William Alexander be and he is hereby authorised to build a mill dam on his own land on Richland Creek, to be under the restrictions and regulations that Joseph Hernden and John Stephens are, any law or usage to the contrary notwithstanding.

Wm. Hord
a commissi-
oner for the
N. F. bridge

Sec. 6. *Be it enacted*, That William Hord be and he is hereby appointed an additional commissioner, to act with the commissioners appointed to value so much of the banks of the North Fork of Holston, as will be necessary for the building of a bridge across said river.

Sec. 7. *Be it enacted*, That said Hord shall have the same powers and privileges as the commissioners heretofore appointed, any law to the contrary notwithstanding.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

CHAP. CXLVIII.

AN ACT to authorise the building of a toll bridge over Clinch river at or near Thomas Browns ferry in the county of Roane.

Brown au-
thorized to
form a brid-
ge company

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Thomas Brown of Roane county, is hereby authorised and empowered to form a company of partners, to be known by the name and style of the Kingston Bridge Company, which company when formed and associated together, shall become a corporation, and shall have power and authority to make such rules and bye laws not inconsistent with the constitution and laws of this state, as shall be necessary and proper to carry the true intents and meaning of this act into effect, and by this corporate name, may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold real, mixed, and personal property, or dispose of the same.

Their pow-
ers.

Sec. 2. *Be it enacted*. That the said company, when so formed and incorporated, shall have full power and authority to build a bridge over the river Clinch, on the lands of the said Thomas Brown, at such place as to them may seem most convenient, at or near Browns

ferry in the said county of Roane, and said bridge to be so constructed, that it will not obstruct the passage of boats or other water crafts, employed in the navigation of said river.

Sec. 3. *Be it enacted*, That the said company to be formed and incorporated as aforesaid, after they have completed said bridge, shall and may receive toll at the following rates, (to wit :) for each waggon and team, one dollar; for each four wheeled carriage of pleasure, \$1 25 cents; for each foot passenger, 6 $\frac{1}{4}$ cents; for each two wheel pleasure carriage, 50 cents; for each cart and moving family with the same, 50 cents; for each cart and driver not belonging to a traveling family, 25 cents; for each man and horse, 12 $\frac{1}{2}$ cents; for each led or loose horse, mule or jack, 6 $\frac{1}{4}$ cents; for each head of cattle, one cent; for each head of hogs or sheep, one cent.

Rates of toll

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Nov. 18, 1817.

CHAP. CXLIX.

AN ACT to repeal the first, second, and third sections of an act, entitled "an act to prevent entries being made, and grants issuing on warrants and certificates therein specified, passed at Nashville, on the 17th November, 1815.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the first, second, and third sections of the before recited act, be and the same are hereby repealed.

Sec. 2. *Be it enacted*, That all entries made on warrants and certificates, issued by Nathan Shipley, former commissioner of East Tennessee and not readjudged, shall be as good and valid in law and equity, as if the before recited act had never been passed.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 24, 1817.

CHAP. CL.

AN ACT to make provision for the payment of the persons therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Treasurer of East Tennessee, to pay the following persons,

the following sums (to wit :) to Terence McAffry, the sum of one hundred and fifty five dollars, for tables made, and materials furnished for the use of this General Assembly; to Andrew Jones, the sum of eighty eight dollars and fifty eight cents, for materials furnished and repairs done to the court house in Knoxville, to fit it for the reception of this General Assembly; to John Bright, the sum of fifty seven dollars, for materials furnished and tables made for the use of the Legislature; to James Park and James Dardis, the sum of thirty dollars cash, by them paid for chairs for the use of the Legislature; and to E. Cooper, the sum of eleven dollars and eighty one cents, for services by him rendered in fitting the court house in Knoxville, for the accommodation of the General Assembly; and that William Kerr, be allowed the sum of seven dollars for services performed in preparing the court house for the reception of the General Assembly, and the receipts of the said persons, for the sums respectively paid them, shall be sufficient vouchers for said Treasurer, in the settlement of his accounts.

Sec. 2. *Be it enacted,* That it shall be the duty of said Treasurer to pay to Ambrose Jones, the sum of twenty seven dollars seventy five cents, for work and labour done in repairing arms which belonged to this state, and the receipt of said Jones, shall be a sufficient voucher to said treasurer in the settlement of his accounts.

Sec. 3. *Be it enacted,* That this act shall be in force from and after the passing thereof.

THOMAS WILLIAMSON.

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 22, 1817.

CHAP. CLI.

AN ACT to authorise the executors of Solomon Massengill, to execute a deed of conveyance to John Collinsworth.

WHEREAS Solomon Massengill, deceased, in his life time, made a verbal contract with John Collinsworth, for a certain tract of land, and received a part of the consideration, and whereas by the existing laws the executors of the deceased, are not authorised to convey the same, for remedy whereof,

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the executrix and executors of the last will and testament of Solomon Massengill, deceased, or any two of them, be, and they are hereby authorised, to execute and deliver to John

Collinsworth, a deed of conveyance in fee simple, for the tract of land which he contracted with the deceased for, in his life time. It being the tract of land, which Solomon Massengill purchased from Robert Allsop, on the said John Collinsworth's paying to the executors of the deceased, the balance of the consideration for said land, and in all particulars complying with the contract.

Sec. 2. *Be it enacted*, That that the deed of conveyance when so made, shall be as good and valid in law and equity, as if it had been made by said Solomon Massengill, in his life time, any law usage or custom to the contrary notwithstanding.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 21, 1817.

CHAP. CLII.

AN ACT to open and establish a turnpike road, from a point at or near Wall's on Piles turnpike road, to intersect the Cumberland turnpike road, between Robert Johnston's and the standing stone.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Adam Helms, is hereby authorised to open and cut a turnpike road, from a point at or near Wall's in Morgan county, on Pile's turnpike road, to intersect the Cumberland turnpike road between Robert Johnson's and the standing stone, in Overton county, which road, when by the situation of the county it will permit of it, shall be cut eighteen feet wide, clear of stumps, stones and other obstructions, and where the road has to be causewayed, or the nature of the ground is such that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots or obstructions, and if there should be any creek or creeks, that from their nature should require it, there shall be good sufficient and substantial bridges built, and if there is any swamps over which said road may be taken, it shall be the duty of the proprietor of said road, to causeway said road, with either rocks or wood, so as to cause a good and sufficient road to be made over said swamps, logs or other obstructions whatsoever.

Another road authorized.

Route & description of the road.

Sec. 2. *Be it enacted*, That it shall be the duty of the commissioner or commissioners, by this act appointed to examine and view said road, once in three months at least, and oftener if, from satisfactory information, on oath that said road is out of repair, and if

Duty of commissioner.

at any time said commissioner or commissioners, shall find said road not in the repair contemplated by this act, it shall be his or their duty to open said proprietors gate, and keep the same open while such road remains out of repair, and until the proprietor shall notify the commissioner or commissioners, that said road is in the repair contemplated by this act, on receiving such notice, it shall be the duty of such commissioner or commissioners, to examine said road, and should it be found in repair, as required by this act, it shall be the duty of such commissioner or commissioners, to grant such proprietor a license to shut his gate, and should the proprietor directly or indirectly, receive any toll at said gate, while the same is declared to be kept open, or the road reported out of repair by the commissioner or commissioners, such proprietor or keeper of said gate, shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, before any justice of the peace in this state, in the name of the person who will sue for the same, and should said commissioner or commissioners, from their own view, or other satisfactory information, be informed on oath, that said road has been out of repair for two months, at any one time, it shall be his or their duty to make report thereof to the county court of Morgan, under his or their hands and seals, if it should be six months before the sitting of the General Assembly; and when said court shall receive such report, they shall direct it to be recorded in the clerks office, and it shall be the duty of such clerk to transmit a certified copy of such report under his hand and seal, to the next General Assembly, and if the road should be permitted to be and remain out of repair at any time within six months before the session of the Legislature, said commissioners after setting open the gate, shall report the same to the General Assembly, whose duty it shall be, if from the report of the commissioner or commissioners or the clerk of the county court of Morgan, that said road has been out of repair for two months at any one time, to elect a new proprietor or proprietors as the case may be, and who, when so elected, shall be entitled to receive all the toll rated by this act, and shall be bound to the same rules, regulations, and restrictions, as are prescribed by this act for the original proprietor to do and perform.

If out of repair report to be made to Morgan court.

Sec. 3. *Be it enacted,* That the proprietor shall give bond and sufficient security, in five thousand dollars, to the Governor for the time being, and his successors in office, conditioned for the true and faithful performance of all the duties enjoined upon him by this act.

Proprietor to give bond

which bond shall be lodged in the secretary's office; and the Legislature may direct the Attorney General, for the district wherein said proprietor lives, to commence suit against said proprietor on said bond, if satisfactory proof, either by the report of the commissioners, or otherwise, should be given to them, that the said road has been one month out of repair.

Sec. 4. *Be it enacted*, That John Winton, shall be, and he is hereby appointed commissioner, and he shall be competent, at all times, to do and perform all the acts and duties required of him by this act, and when the proprietor shall notify said commissioner, that said road is cut out and completed for use, said commissioner shall proceed to examine said road, and if in his opinion the road is in the order contemplated by this act, he shall proceed to license said proprietor to keep a toll gate, which license shall be under his hand and seal; and said proprietor shall then keep his turnpike gate east of the junction of said roads, (to wit:) the road intended to be established by this act and Piles turnpike road, and it shall not be lawful for said proprietor to keep a turnpike gate after the establishment of the new road, on either roads, west of the junction of said road.

Sec. 5. *Be it enacted*, That so much of an act of Assembly, passed the sixth of November, 1815, as appoints two commissioners to superintend Piles turnpike road, in Overton county, be, and the same is hereby repealed, and from and after the passing of this act, John Winton, is hereby appointed commissioner of said road, and shall enjoy the same privileges and emoluments, and be subjected to the same rules, regulations and restrictions, and perform the same duties, as the commissioners heretofore appointed were subject to in all respects whatever.

Sec. 6. *Be it enacted*, That if any part of said road shall be out of repair, at any time after it is reviewed by said commissioner and by reason of which any person or persons shall sustain damage, either in person or property, he she or they may have and sustain an action on the case against said proprietor for the amount of any damage he, she or they may sustain, in any court having cognizance thereof.

Sec. 7. *Be it enacted*, That the mail of the United States, whether carried in a Stage or any other carriage, or in any other way, shall be permitted to pass and repass said road without paying any toll whatever.

Sec. 8. *Be it enacted*, That John Winton, and William Matlock, be, and they are hereby appointed, com-

Commissioner appointed.

Commissioner appointed for Piles road

Proprietors may be sued for damages

Mails to pass free.

missioners of the turnpike road owned by John W. Simpson, in the room and stead of the present commissioner.

Sec. 9. *Be it enacted*, That the said John Winton, and William Matlock, and each or either of them, shall have the same powers, perform the same duties, and be entitled to the same compensation, heretofore provided by law for commissioners of said road.

Road to be
marked out.

Sec. 10. *Be it enacted*, That George Chisum, John Miller, William Davidson, William Wall and David Collier are hereby appointed reviewers, to ascertain at what point on Piles old turnpike road, the new road shall start from, and also the direction it shall go to intersect the Cumberland turnpike road, and shall plainly mark and designate the same all the way, and before proceeding to the duties of their appointment, they shall take and subscribe the following oath before some justice of the peace of Morgan or Overton county, (to wit:) I, A. B. do solemnly swear (or affirm as the case may be,) that I will well, truly and impartially view and examine, and lay off the road as contemplated by this act, without prejudice or partiality, in such away as most to promote the public good, to the best of my skill and judgment, so help me God; and when they have performed their duties they shall make report to Morgan county court.

THOMAS WILLIAMSON,

Spaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 24th, 1817.

CHAP. CLIII.

AN ACT to make good and valid Deeds given to Officers and Members of Masonic Lodges.

BE it enacted by the General Assembly of the state of Tennessee, That it shall and may be lawful for the Officers and Members of Masonic Lodges, in any county in this state, who may be desirous of building a Hall, for the use of said Lodge, to purchase, or receive by gift, a deed for such quantity of ground as may be necessary for that purpose, and such deed shall vest the legal title to the same in such Officers and Members, and their successors.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Nov. 14, 1817.

CHAP. CLIV.

AN ACT to amend an act entitled " an act for the better regulation of the Registers Offices," passed Oct. 1865.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That when any of the books, belonging to any of the offices of the county registers in this state, shall from age and much use, or from any other cause, become worn and likely to be useless, or where there shall be no alphabet to any of said books, or the same shall be likely to be worn out, the county courts respectively shall cause the same to be transcribed, or a new alphabet to be made, under the same rules, and in the same manner that certain books are directed to be transcribed by the act which this intended to amend.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 10, 1817.

CHAP. CLV.

AN ACT to restore Joseph Wilson to certain legal capacities and privileges.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That Joseph Wilson, who has heretofore been convicted of horse stealing, shall and is hereby declared to be restored to all and singular the legal capacities and privileges which he heretofore has been by law deprived of, in consequence of the said conviction; provided that nothing in this act contained shall extend or be construed to prevent the punishment by law prescribed for a second offence for horse stealing.

Sec. 2. *Be it enacted,* That this act shall be in force from and after the passing thereof.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 21, 1817.

CHAP. CLVI.

AN ACT for adjusting the boundary line between this state and the state of Kentucky.

WHEREAS great injury may happen as well to the citizens of the state of Kentucky, as to the citizens of this state from suffering any part of the bounda-

ry line between the two states to remain unascertained and unmarked—Therefore,

Walker's
line established.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line commonly called Walker's line, so far as the same has been run and marked, shall be considered and taken to be the true line between said states.

Sec. 2. *Be it enacted,* That so soon as the state of Kentucky, shall pass a law, agreeing thereto, a direct line from the eastern extremity of the line called Walker's line, as marked at Cumberland river, to Walker's line, at a place called Cumberland Gap, shall be considered and taken the true line between the two states.

Sec. 3. *Be it enacted,* That this state will, provided the state of Kentucky agree thereto, apply to the executive of the United States, to appoint a commissioner to ascertain the true point, where the boundary line between this state and the state of Kentucky, will strike the Tennessee river on the western bank thereof, and and that from said point, a line shall be run directly west to the western boundary line of the state of Tennessee, which shall be the line between the two states.

Sec. 4. *Be it enacted,* That the Governor of this state shall have full power and authority, whenever he shall receive information that the state of Kentucky, have agreed to the appointment of commissioners to run and mark the lines herein described, to appoint commissioners on behalf of this state, to superintend the running and marking the said lines.

Kentucky
Grants.

Sec. 5. *Be it enacted,* That when said lines shall have been run and marked, every grant which may have been issued by the state of Kentucky, and which may cover lands, lying south of said line, shall be considered as good and valid, as if such grants had issued under the authority of the state of Tennessee: *Provided always,* that this section shall not have any effect, until the state of Kentucky shall have passed a law containing a similar provision, with respect to such grants as may have been issued by the state of Tennessee, and may cover lands lying north of the line.

Sec. 6. *Be it enacted,* That this state, shall stand pledged to pay one half of the expense of the commissioner, who may be appointed by the executive of the United States.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Nov. 24, 1817.

Speaker of the Senate.

AN ACT to provide for the further adjudication of land claims.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a commissioner appointed in East, and one in West Tennessee, who shall be appointed by joint ballot of both houses of the General Assembly, for the purpose of judging and ascertaining the validity of warrants and other legal evidences of unsatisfied claims to land within this state. Commissioners to be appointed.

Sec. 2. *Be it enacted,* That said commissioners when appointed agreeable to the provisions of this act, shall possess, exercise and enjoy, the same powers, privileges and emoluments, which were possessed and exercised by the commissioners under the law of eighteen hundred and thirteen.

Sec. 3. *Be it enacted,* That said commissioners shall each appoint a clerk, and the said commissioners and their respective clerks, shall each take the oath prescribed to be taken by the act of 1807, which oath shall be administered by any circuit judge or justice of the peace; and the said offices shall be kept open for filing and adjudicating land claims, until the first day of June next, after which day, it shall not be lawful for said commissioners or their clerks, to receive any claim for adjudication, and all claims, not filed before that time, shall hereafter be forever barred; and it shall be the duty of said commissioners respectively to proceed with all possible dispatch to the adjudication of such claims as may have been filed, provided that said commissioners or either of them, shall not keep their said offices, or either of them open for adjudicating claims, longer than the first day of September next— Offices when to be closed. and it shall be the duty of said commissioners on that day, to hand over, and deliver to the register of the land office of East or West Tennessee, that is, the commissioner of East Tennessee, shall deliver to the register in East Tennessee; and the commissioner in West Tennessee to the register in West Tennessee, all the books, records and papers of every description relative to their respective offices.

Sec. 4. *Be it enacted,* That from and after the time that said books, papers and documents, are delivered to the respective registers of the land office, the same shall be considered as composing a part of the records of said office until otherwise directed by law: and said registers may give official copies thereof; but in no instance, shall original papers be handed out of said

office by the register until authorised by the Legislature.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

Nov. , 1817.

CHAP. CXLVIII. 156

AN ACT to establish the line between the county of Grainger and the county of Jefferson.

WHEREAS the road leading from the Panther Springs to the house formerly occupied by Felps Reed, is the line between the county of Grainger and Jefferson, and whereas. there have been frequent changes made in said road, which renders it difficult to ascertain where the true line now is, for remedy whereof;

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That hereafter, that part of the main stage road, as it now runs from the Panther Springs, to the house formerly occupied by Felps Reed, afterwards by John Moffet now deceased, and is now occupied by Joseph Shannen, shall be the true dividing line between the county of Grainger and the county of Jefferson, any law to the contrary notwithstanding.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

November 1817.

CHAP. CLIX. 159

AN ACT to alter the dividing line between the counties of Claiborne and Campbell.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas R. M. Clary is hereby appointed surveyor, to survey, and cause to be plainly marked. the line hereafter mentioned, to wit: Beginning on Clinch river, at the lower end of Graves' bent, then to Powell's river, to the place where the present dividing line between Claiborne and Campbell crosses the same, so as to leave the house of Conrad Sharp one hundred poles in Campbell county, and the house of David Smith one hundred poles in Claiborne county; then to Powell's valley, so as to strike the creek on which James Walkers iron works stands, one hundred poles above said iron works; then a direct course to Cumberland mountain, so as to leave the house of Thomas M. Lean one hundred poles in Camp-

bell county; then a direct course to the clear fork of Cumberland river, so as to leave the house of Isaac Owens in Campbell county; then north forty five degrees west to the Kentucky line.

Sec. 2. *Be it enacted*, That the sheriffs of each of the before mentioned counties shall have full power to collect any arrearages of taxes that may remain due in such parts of territory as may have been exchanged by this act.

Sec. 3. *Be it enacted*, That the said Thomas R. McClary, shall be allowed the sum of three dollars per day for running and marking the same.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

Speaker of the Senate.

Nov. 22, 1817.

CHAP. CLX.

AN ACT to authorise separate elections in the counties of Maury and Hickman.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Sheriff's of Maury and Hickman counties, respectively by themselves their deputies, or by their respective coroners, on the constitutional days for holding elections, to open and hold a separate election at the places hereafter named, (to wit:) one in the county of Maury at Joshua Williams', and another at William Kilcrease, both on the North side of Duck river, and on the South side of Duck river, in the county of Hickman, at David Williams, on Beaver dam creek, for the purpose of electing a Governor, Members to Congress, Electors to elect a President and Vice-President, and to elect Members to the State Legislature, and Militia Officers, under the same rules, regulations and restrictions, as other separate elections are subject to in said counties respectively.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Nov. 18, 1817.

CHAP. CLXI.

AN ACT to repeal an act, entitled "an act to prohibit the Registers of the Land office for East or West Tennessee, or either of them, from issuing a grant or grants to Thomas Dillon, his assignee or assignees, on a certificate issued to said Dillon, by the

commissioner of West Tennessee, from a grant of No. 346, obtained in the name of Stoakley Donalson.

BE it enacted by the General Assembly of the State of Tennessee, That so much of the above recited act, passed on the 23d Nov. 1809, as prohibits the Registers of the Land offices of East or West Tennessee, from issuing a grant or grants to the assignee or assignees of Thomas Dillon, be and the same is hereby repealed.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 18, 1817.

CHAP. CLXII.

AN ACT to amend an act passed the 20th October, 1797, authorizing James Guthrie to build a toll bridge across Lick creek.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any person shall arbitrarily or clandestinely cross said bridge without paying the rates established by the above mentioned act, he, she, or they shall forfeit and pay the sum of one dollar, for each and every offence, to the owner of said bridge, to be recovered before any magistrate in this state.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 21, 1817.

CHAP. CLXIII.

AN ACT to provide for certain land claims therein mentioned.

WHEREAS a military land warrant was issued by the state of North-Carolina, of No. 3730, for seven hundred and ninety nine acres of land, to David Spear, dated the 9th day of February 1791, which was adjudged invalid by the commissioners of West Tennessee, because said warrant had not been placed in the warrant book, or recorded by the Secretary of said state; and it being made appear to this General Assembly, that said warrant was issued by the Secretary of North-Carolina. and that said David Spear had performed the services which entitled him to said warrant, and that it was through mistake or omission, that said warrant was not recorded, therefore :

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioner of West Ten-

nessee, is hereby directed to re-examine said warrant No. 3730, for seven hundred and seventy nine acres, issued to David Spear, and if it shall appear that no grant has ever been issued on the same, and that no duplicate of said warrant has ever been issued, he shall issue a duplicate of said warrant, to Jesse Blackfan assignee of said David Spear.

WHEREAS it is represented to this General Assembly, that a certificate warrant was issued by the Register of West Tennessee, to Robert Alexander, for two hundred acres of land, in consequence of grant, No. 390, issued by the state of North Carolina, and dated the 17th December 1794, which certificate was lost by Robert Henry, the agent of said Alexander, and cannot now be found, and it appearing that said Robert Alexander is since dead, wherefore and for the relief of the heirs of the said Alexander.

Sec. 2. *Be it enacted*, That it shall be lawful for the commissioner of West Tennessee, to issue to the heirs or rightful devisees of said Robert Alexander, a duplicate of said certificate for two thousand acres, expressing on the face thereof, that it is issued in the room of the original certificate which is so lost, and thereafter the said original certificate shall be null and void, and it shall not be lawful for any entry or grant to be made on the same, and if any entry or grant shall be issued on said original certificate, the same shall be null and void, and vest no title whatever.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 18, 1817.

CHAP. CLXIV.

AN ACT to provide for the payment of the principal surveyors of this state, for furnishing the executive with an abstract of the entries made in their respective offices.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the treasurer of West Tennessee, shall pay to the principal surveyors of the second and third district, the sum of twenty dollars each, and that the treasurer of East Tennessee, pay to the principal surveyors of the fourth, fifth and sixth districts, the sum of twenty dollars each, as full compensation for furnishing the executive of this state with an abstract of the entries made in their respective offices; and the receipt of the respective survey-

ors shall be a sufficient voucher in the settlement of the treasurers account.

Sec. 2. *Be it enacted*, That it shall be the duty of the treasurer of East Tennessee to pay Robert Wear, surveyor of the district south of French Broad and Holston, the sum of twenty dollars, in full for his services in furnishing a transcript of occupant claims to this General Assembly, in consequence of a resolution of the house of representatives, and that the receipt of said Wear, shall be a sufficient voucher for said treasurer in settling his accounts.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 22, 1817.

CHAP. CLXV.

AN ACT to appoint additional trustees for the Academies therein named and for other purposes.

For Priestly Academy.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That John Catron, Jacob A. Lane, Anthony Debrill and Lawson Nourse, be, and they are hereby appointed additional trustees for the Priestly Academy, in the county of White, and shall possess all the rights privileges and capacities that the original trustees had, and subject to the same rules, regulations and restrictions.

Empowered to sell lor.

Sec. 2. *Be it enacted*, That the trustees of said Academy, or a majority of them may, have power and they are hereby authorised to sell lots No. 86 and 87, in the town of Sparta, to the highest bidder on a credit or otherwise as to them may seem expedient, and to make and execute deeds to the purchaser or purchasers and to purchase or acquire by donation in said town or the vicinity thereof, any scite that they may think more eligible or healthy, and obtain a fee simple interest, therein to themselves as trustees of said Academy and their successors forever.

And procure another

Sec. 3. *Be it enacted*, That the trustees of said Academy are hereby vested with full power and authority to acquire by purchase, donation, legacy, bequest or otherwise any lands, tenements or hereditaments for the use and benefit of said Academy, and they shall have a right to sue, and be sued, plead and be impleaded and do all such other things as may be necessary for the correct management of their business, for the use and benefit of said institution.

Sec. 4. *Be it enacted*, That Shaderick Nigh, German Lester, Lunsford M. Bramlet, Charles Perkins and

Ralph Graevs, be and they are hereby appointed additional trustees for the Wertemburgh Academy, in the county of Giles and shall possess all the rights, privileges and capacities, that the original trustees have and be subject to the same rules, regulations and restrictions. Wertemburgh Academy.

Sec. 5. *Be it enacted*, That the trustees of said Academy are hereby vested with full power and authority, to acquire by purchase, donation, legacy, bequest or otherwise, any lands tenements, or hereditaments, for the use and benefit of said academy, and they shall have a right to sue and be sued, plead and be impleaded, and do all such other things as may be necessary for the correct management of their business, for the use and benefit of said institution.

Sec. 6. *Be it enacted*, That Peter Parsons, Orville Bradley, and Stoakley D. Mitchell, be, and they are hereby appointed additional trustees to the M'Minn Academy, in the county of Hawkins, and are vested with all the powers and privileges, that the trustees heretofore appointed by law have. M'Minn Academy.

Sec. 7. *Be it enacted*, That Edmund Jones, David Dickson, Wilson Yandell and Samuel Anderson, be, and they are hereby appointed additional trustees of the Bradley Academy in the county of Rutherford, and that they shall have the same powers, privileges, and be subject to the same rules, regulations and restrictions with those heretofore appointed. Bradley Academy.

Sec. 8. *Be it enacted*, That William C. Conrad, Leonard P. Cheatham and Henry Fry, esqs. be, and they hereby are appointed additional trustees, for the Liberty Academy, in the county of Robertson, and that they shall have the same powers and privileges, and be subject to the same regulations and restrictions as those heretofore appointed. Liberty Academy.

Sec. 9. *Be it enacted*, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

Nov. 24, 1817.

CHAP. CLXVI.

AN ACT to authorise the commissioner of East Tennessee to issue a duplicate certificate of No. 27, issued by the board of commissioners for East Tennessee.

WHEREAS, it appears to this General Assembly, that on the 14th day of August, 1807, a certificate

was issued by Archibald Roane, President of the board of commissioners, for East Tennessee, to John Crouch, for one hundred and eighty acres of No. 27, which certificate was assigned to several persons, who made entries therein, in the office of principal surveyor of the sixth district, and filed said warrant in said office, which warrant was taken out of the office by Samuel Y. Balch, the principal surveyor of the district, for the purpose of sending to the Registers office, to obtain a grant by virtue of one of the assignments on said warrant, as appears by the certificate of John C. Harris, the deputy surveyor of said district, since which time said warrant has not been heard of by the persons interested, for remedy whereof:

John Crouch Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioner of East Tennessee, be authorised, to issue a duplicate certificate, to John Crouch for one hundred and eighty acres of No. 27, dated August the 4th, 1807, issued by Archibald Roane, president of the board of commissioners of East Tennessee, expressing on the face thereof, that it is a duplicate and issued in consequence of the original being lost or mislaid.

Sec. 2. *Be it enacted,* That it shall be the duty of the principal surveyor of the sixth district, to put on said duplicate all the assignments which he can ascertain from the books of said office were on the original.

Sec. 3. *Be it enacted,* That should the original certificate be found and presented to the Register for the purpose of obtaining a grant thereon, it shall be the duty of the Register to enter on said certificate that a duplicate had issued in consequence of the original being lost, and shall file the same away, with the duplicate when it shall be returned to his office for the purpose of obtaining a grant thereon.

THOMAS WILLIAMSON,

Speaker of the House of Representatives;

EDWARD WARD,

Speaker of the Senate.

Nov. 17, 1817.

CHAP. CLXVII.

AN ACT for the relief of the heirs and legal representatives of Thomas Jackson deceased.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the commissioner of west Tennessee, is he hereby directed to issue to the heirs and legal representatives of Thomas Jackson deceased, a certificate for two thousand eight hundred acres, on

a grant of No. 376, issued by the state of North Carolina, to Thomas Jackson, for 5000 acres on warrant No. 1521, if there is so much warrant remaining after deducting the amount of lands which the said Thomas Jackson may have sold out of said 5000 acres in his life time ; and if there is not that amount, then said commissioner shall issue a certificate for the balance of said warrant, which said 2800 was taken by an interference of a better title, under a grant issued to Stoakley Donelson, for ten thousand two hundred and forty acres ; provided always, that the said heirs or legal representatives of said Thomas Jackson, shall make satisfactory proof that said grant issued on a good and valid warrant, and that no other grant has issued upon the same warrant ; and provided that no certificate shall issue until a survey is returned by the proper surveyor, as in other cases, shewing the true quantity of acres not taken by said interfering grant ; and no certificate shall issue except for such part as shall remain of the quantity of acres of said warrant after deducting the quantity not taken by said grant and the quantity not sold by said Jackson, within the bounds of said interfering grant.

THOMAS WILLIAMSON.

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 24, 1817.

CHAP. CLXVIII.

AN ACT to alter the place of holding the regimental muster for the 6th regiment of cavalry in this state, and other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sixth regiment of cavalry shall hereafter hold their regimental musters on the Thursday after the second Saturday in October annually, at the house of Thomas Simmons, on Yellow Creek, in the county of Dickson.

Sec. 2. *Be it enacted,* That the one hundred and fourteenth section of an act, entitled "an act for the better establishment and regulation of the militia of this state," be, and the same is hereby repealed.

Sec. 3. *Be it enacted,* That all company musters, hereafter to be held by the cavalry, shall be in the months of March and September.

Sec. 4. *Be it enacted* That the election for field officers of cavalry for the tenth brigade of Tennessee Militia, shall be opened and held on the first Monday of January next ; and the election of Brigadier Ge-

General of said Brigade on the succeeding day at the same place, and under the same rules, regulations and restrictions as heretofore prescribed by law, and each officer who by his grade may be entitled, by law, to vote at said election, may vote by producing a proper certificate of his election, any law to the contrary notwithstanding.

Allowance
staff officers

Sec. 5. *Be it enacted*, That the judge advocate shall receive one dollar and fifty cents per day, for attending courts martial, and the adjutant, drum and fife major, shall receive the same compensation that they were entitled to receive under the act of eighteen hundred and three; and sergeant majors and regimental quarter masters the sum of one dollar per day, for distributing regimental orders, all of which, shall be paid out of any monies arising from fines and forfeitures on their respective regiments.

In Carter
county.

Sec. 6. *Be it enacted*, That the militia of Carter county shall hold separate regimental musters, as was heretofore pointed out by law, any law to the contrary notwithstanding.

Reg'tal co't.
martial.

Sec. 7. *Be it enacted*, That there shall be one regimental court martial held in each regiment in this state annually, on the same days and under the same rules regulations and restrictions as now prescribed by the Militia law of 1803.

Battalion
drills.

Sec. 8. *Be it enacted*, That the majors commanding battalions of infantry, shall order the officers of their respective battalions to attend at their muster ground, the day preceeding battalion musters, for the purpose of being drilled by the adjutants of their respective regiments.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 24th, 1817.

CHAP. CLXIX.

AN ACT for the benefit of the heirs of Joseph Barber deceased.

WHEREAS it appears to the satisfaction of this General Assembly, that a certain Joseph Barber deposited in Martin Armstrongs office, a military land warrant, for 274 acres, No. 4212, which issued from the Secretary's office of North Carolina, to Isaac Nichols, which said warrant has been lost or mislaid, so that the heirs of said Joseph cannot obtain the same, therefore :

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the commissioner of West Ten-

nesses, be and he is authorised and directed to issue to the heirs of said Joseph Barber a military land warrant for two hundred and seventy four acres, in the room and stead of the one so lost or mislaid: *Provided*, it shall be made appear to the satisfaction of said commissioner, that the said heirs are entitled to the benefit of the original warrant, and that no grant ever has been issued on said warrant or a duplicate thereof, by the state of North Carolina, or by this state, and that no duplicate of said warrant shall have been issued by this state.

THOMAS WILLIAMSON,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate.

November 18, 1817.

CHAP. CLXX.

AN ACT for the relief of Thomas Mann.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the commissioner of the land office for East Tennessee, be and he is hereby required to issue to Thomas Mann, a land warrant or certificate for thirty one and a half acres, in consequence of an interfering grant of John Chaney with the grant of Thomas Mann, to that amount, which said thirty one and a half acres of land has been lost to the said Thomas Mann, by a suite at law with the said John Chaney.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 18, 1817.

CHAP. CLXXI.

AN ACT relative to the change of Venue in criminal cases and other purposes.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That in all civil causes which are now pending, or which may hereafter be depending in any circuit court in this state, and either of the parties shall make out such cause, supported by oath or affirmation, as would authorise a change of venue agreeably to the laws now in force, it shall be the duty of such court to direct said cause to be set for trial on some particular day of the next term of said circuit court, and to direct all witnesses in said cause to be summoned to attend on said particular day.

Sec. 2. *Be it enacted,* That it shall be the duty of each of the circuit courts in this state, when any cause

Jury from an adjoining county. shall be set for hearing on any particular day, agreeably to the first section of this act, to direct an order to issue to the county court of the next adjoining county, free from the like exception, whose duty it shall be to return to such circuit court, twelve good and substantial freeholders of such county on the day on which such cause may be set for trial, and if a sufficient number of said jurors should fail to attend, it shall be lawful for such circuit court to cause said deficiency to be supplied out of the bye-standers: *Provided*, that either party shall have a right in making up said jury to challenge five persons peremptorily.

Allowance to Jurors.

Sec. 3. *Be it enacted*, That each of the jurors who shall attend at any circuit court, agreeably to the provisions of this act, shall receive the sum of one dollar per day, and the like sum for every twenty five miles they may travel to and from said court, which shall be taxed in the bill of costs.

Penalty for non-attendance.

Sec. 4. *Be it enacted*, That if any of the jurors summoned to attend any circuit court, agreeably to the provisions of this act, shall fail to attend without sufficient cause to be judged of by said circuit court, he or they shall forfeit and pay to the state the sum of twenty-five dollars each.

Change of venue repealed.

Sec. 5. *Be it enacted*, That all laws now in force in this state, which authorise the change of venue in any cause, civil or criminal shall and the same is hereby repealed.

Juries in capital cases.

Sec. 6. *Be it enacted*, That hereafter it shall be the practice of the circuit courts in empannelling a jury for the trial of any criminal cause, the punishment of which is death, not to swear any of the jurors until the whole number are selected for a jury, and if it shall so happen that a jury cannot be obtained at any time free from exception, to try any criminal cause, the said Judge may order such number of jurors as he may think proper, not more than thirty five, to attend on some one day of the next term, from some adjoining county, for the purpose of trying said cause, and if there shall not be a complete number of the said jurors selected, the remaining number may be selected from lawful jurors of the county summoned for that purpose, which jurors shall be paid as other jurors.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

Speaker of the Senate.

November 22, 1817.

AN ACT to prohibit the Mayor and aldermen of Knoxville, from passing or continuing in force, any ordinance by which any individual is prohibited from hauling or dragging logs or timber along any of the streets in Knoxville.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for the Mayor and aldermen of the town of Knoxville in the county of Knox, to make or continue in force any bye law or ordinance, by which any individual will be prohibited from, or fined for hauling any logs or timber on the ground in any of the streets in said town.

Sec. 2. *Be it enacted*, That this act shall commence and be in force from and after the passing thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Nov. 22, 1817.

AN ACT directing the distribution of the monies collected for colleges and academies.

WHEREAS by an act of the General Assembly of this state, passed in April, 1809, Thomas Emerson, John Crozier and Thomas M'Corry, were appointed commissioners, to loan out at a rate of interest, not more than fifteen nor less than six per cent, all or any part of the monies collected for the use of colleges; and it appears by the report of the treasurer of East Tennessee, that said commissioners loaned out, under said act, the sum of \$4719, 89 $\frac{3}{4}$ of principal and \$109 98 $\frac{3}{4}$ of interest, at ten per cent per annum, and that by an act passed in 1809, the same persons were directed to loan out the whole or any part of the monies collected for the use of academies, at six per cent interest, and it appears by the report of the treasurer of East Tennessee, that said commissioners under said act loaned out the sum of \$5749 40 of principal, and \$125 96 $\frac{1}{4}$ of interest; and whereas by an act passed in 1814 said commissioners were directed to demand and collect said monies from the respective borrowers, for which said commissioners were to have two per cent—and by an act passed in November 1813, the treasurer of East Tennessee, and the same commissioners were directed to pay over to the president and trustees of Cumberland college, one half of the money collected for colleges, and to the president and

trustees of East Tennessee College the other half of said money, to be vested in bank stock, ; and also were directed to pay over to the treasurer of West Tennessee, such proportion of the money collected for academies as was coming to the academies in West Tennessee, which he was directed to vest in Bank Stock, and that part of said academy monies, which was coming to the academies of East Tennessee, was directed to be vested in Bank stock, for the use of said academies ; and it appears by the report of the treasurer of East Tennessee, that of said money due to the colleges, there was paid to the treasurer of West Tennessee \$1032 56½ principal, and \$72 98 interest ; and of said money due to academies in West Tennessee, there was paid to the treasurer of West Tennessee, the sum of \$2615 91½ principal, and \$148 25½ interest, of which no part has been vested in Bank stock ; and it also appears by the report of the treasurer of East Tennessee, that there remains in his hands, money by him collected, in addition to the sums above named, for colleges, \$619 44 principal, and \$123 02 interest, and for academies \$521 32½ principal, and \$51 66 ½ interest, which has not been divided ; and whereas it is necessary and proper for the Legislature to provide some effectual means to have the said monies applied in the most safe and profitable manner for the purposes for which the same was intended.

Treasurer of Tennessee to receive the monies collected from the commissioners.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the treasurer of east Tennessee, forthwith to receive from said commissioners the said monies by them respectively loaned under said acts of April, 1809, and of November, 1809, together with the interest due on the same, and the said commissioners are hereby directed to settle with the said treasurer for said monies and pay the same into his hands, or such part of the same as has been collected, and the balance thereof as soon as it is collected ; and it shall be the duty of said treasurer to ascertain the whole amount of money collected for colleges distinguishing between principal and interest, and the whole amount collected for academies distinguishing between principal and interest, and he shall forthwith pay over to the treasurer of West Tennessee one half of the principal and one half of the interest of the college money including the sums respectively paid to him heretofore, and he shall also pay over to the treasurer of west Tennessee, twenty three of forty two equal parts of the principal and the same proportion of the interest of the Academy money, in

Part thereof to be paid to treasurer of W. Tennessee.

cluding what he has already paid over to him, and shall hereafter from time to time pay over in the same proportion of the money collected for colleges and academies in the manner herein directed.

Sec. 2. *Be it enacted*, That it shall be the duty of the treasurer of east Tennessee, to keep a fair and regular account in a book kept for that purpose, of all the said money transactions, and accounts hereby directed to be under his direction, and shall lay the same before their next general assembly, within the ten first days of each session, and the treasurer of west Tennessee, shall in like manner enter in a book kept for that purpose a full and plain account of all the monies hereby placed under his direction, to be laid before the general assembly, within the same time.

Sec. 3. *Be it enacted*, That the treasurer of east Tennessee is hereby directed to loan out the monies belonging to the academies in east Tennessee, and shall take bond with sufficient security for the same. Academy monies to be loaned.

Sec. 4. *Be it enacted*, That such loan may be made for the term of two years; and it shall be the duty of said treasurer to demand and receive in advance the interest upon the money loaned by him as aforesaid.

Sec. 5. *Be it enacted*, That it shall be the duty of the said treasurer to pay over to the trustees of the different academies, their respective shares of interest upon application of the trustees aforesaid, whose receipts shall be good in the settlements of said treasurers accounts. Interest to be paid over

Sec. 6. *Be it enacted*, That it shall be the duty of the treasurer of east Tennessee, to vest in stock of the bank of the state of Tennessee, all and every sum or sums of money which now is, or hereafter may come into his hands for the benefit of east Tennessee college, and that it shall and may be lawful for the directors of said bank, at any time, when applied to by said treasurer, to authorise him to subscribe for any number of shares which he may have money in hand to pay for at the rate of fifty dollars for each share, and such shares, when subscribed, shall constitute a part of the capital stock of said bank. College money to be vested in Bank stock.

Sec. 7. *Be it enacted*, That said shares shall be subscribed in the name of the treasurer of east Tennessee, to be held by him and his successors in trust, that all profits made upon such stock shall be paid to the order of the president and trustees of east Tennessee college, for the use and benefit thereof.

Sec. 8. *Be it enacted*. That if at any time said treasurer should have an opportunity of purchasing at par, stock heretofore subscribed for in said bank, it shall

be his duty to make such purchase in preference to subscribing for stock; and if any such purchase should be made the stock shall be transferred to said treasurer, to be held by him and his successors in office in trust, that the profits shall be paid to the president and directors of east Tennessee college, for the use and benefit of said college.

Monies of
Cumberland
College.

Sec. 9. *Be it enacted*, That it shall be the duty of the treasurer of west Tennessee, on the first day of January next, to subscribe for and vest in bank stock, in the manner pointed out in this act, all the money which is in his hands due to the Cumberland College for principal, and from time to time; when he shall receive any additional sum for principal, to vest the same in a similar manner, which shall be subscribed in the name of the president and trustees of Cumberland college; and it shall be his duty, at the same time, to pay over to the order of the said president and trustees any sum in his hands arising for interest belonging to said college; and the treasurer of west Tennessee shall at the same time subscribed for and vest in bank stock; all the money which shall be in his hands as principal monies for the use of academies in west Tennessee, and his successors in office, for the use of academies in west Tennessee, and all the monies which he shall have in his hands of the interest, shall be subject to be paid over to the trustees of the different academies, in as many equal parts as there are incorporated academies, for the time being, in West Tennessee; and the interest hereafter by him received, and the dividends of said stock, shall be paid over in the same manner, until otherwise directed by law.

Banks may
receive sub-
scriptions.

Sec. 10. *Be it enacted*, That it shall and may be lawful for the president and directors of any chartered bank in this state, in which the treasurer of west Tennessee may think it the most advisable, for the interest of said colleges and academies, to vest said fund, to receive the subscriptions for the stock herein directed to be subscribed from time to time, and the same when so subscribed and paid for, shall compose part of the capital stock of such bank in addition to the capital stock thereof directed to be subscribed by individuals; and the dividends on said stock shall be declared at the same time and in the same manner as other dividends and shall be drawn and applied to the respective uses herein declared: *provided*, that the treasurer of west Tennessee, shall vest said fund's in some bank in west Tennessee.

Sec. 11. *Be it enacted*, That the treasurer of east

Tennessee, in making the apportionment of money directed to be by him divided, and the treasurer of west Tennessee, in making distribution amongst the several academies, as the case may be, shall take into account the sum \$167 44 1-4 paid by the treasurer of east Tennessee to the treasurer of Cumberland college, and the sum of \$216, the interest to be accounted for by Bradley Academy in Rutherford county.

Sec. 12. *Be it enacted*, That so soon as the said Powers of commissioners heretofore appointed by the different commission- laws in this state for receiving the college and acad- ers to cease, emy money, shall have collected and paid over to the treasurer of east Tennessee, as directed by this act, the money by them loaned, all their power and authority shall cease: *Provided*, that Bradley academy shall not be subject to any deduction for said interest until it shall appear that said academy has derived the benefit of said loan of \$600, or shall have received from Joseph Dickson, the interest on said loan.

Sec. 13. *Be it enacted*, That an academy shall be, Washington and is hereby established at Dover, in the county of academy es- Stewart, by the name of Washington Academy, under tablished. the same rules and regulations as other academies in this state; and the county court of Stewart is hereby vested with full power and authority to appoint trustees for the said academy, which trustees, when appointed, shall possess, exercise and enjoy all the rights, powers, privileges and emoluments as other trustees of academies in this state.

THOMAS WILLIAMSON,

Speaker of the House of Representatives;

EDWARD WARD,

Speaker of the Senate.

Nov. 22, 1817.

CHAP. CLXXIV.

AN ACT to establish a new county west of Lawrence county and south of Hickman and Humphrey's counties.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be, and the Wayne cou- same is hereby established, west of Lawrence county, nty laid off and south of Hickman and Humphrey's counties, by the name of Wayne county which shall be bounded as follows, to wit: Beginning at the north west corner of Lawrence county, and running west to the Tennessee river; thence up the same to where the southern boundary line of this state crosses the same; thence east, with said line, to the corner of Lawrence county; thence north, with the western boundary of said county;

to the beginning ; and all that tract of territory included in the above described lines shall be included with in the said county of Wayne.

Its courts.

Sec. 2. *Be it enacted,* That for the due administration of Justice, the first court of pleas and quarter sessions and circuit court and all subsequent courts, until otherwise provided for, shall be holden at the Young Factors old place on the Natchez trace, or at such other place in said county as the justices of said county may adjourn from the Young Factors to hold their courts after the first term, under the same regulations and restrictions, and shall have and exercise the same powers and jurisdictions as are or shall be prescribed for the several counties in this state.

Elections.

Sec. 3. *Be it enacted,* That it shall be the duty of the sheriff of said county of Wayne, to hold an election at the place of holding courts in said county, on the first Thursday of April next, for the purpose of electing one colonel and two majors for said county of Wayne, which shall be conducted under the same rules and regulations as are prescribed by law in similar cases ; and the militia of said county shall compose the sixty first regiment and be attached to the sixth brigade.

Sec. 4. *Be it enacted,* That the elections for company officers for the county of Wayne shall be held at such places as the commandant of the militia of said county may think proper to appoint, which said elections shall be held on the second Monday in June next, under the same rules regulations and restrictions as are prescribed in like cases.

Sec. 5. *Be it enacted,* That the county of Wayne be a part of the district for electing a Governor, representative or representatives to Congress, electors to elect a president and vice president of the United States, and members to the General Assembly, to which the county of Hickman belongs ; and that the elections be held at the place of holding courts in said county at the time and in the manner prescribed by law ; and that the sheriff or returning officer of said county make a return of the polls, at the court house in the town of Charlotte in the county of Dickson, at the time directed by law for the sheriffs of Hickman, Dickson and Robertson, to compare the votes in said counties for representative and senator to the state legislature.

Public printer allowed time to print Journals.

Sec. 6. *Be it enacted,* That it shall be the duty of the clerks of the several counties, from which the counties of Lawrence, Morgan, Marion and Wayne have been principally formed, to receive and receipt for the

quantum of acts and journals of the present session allotted to said new counties; and the public printer, upon procuring such receipts, shall be considered as having complied with his contract, and that one month in addition to the time now allowed by law, be given to the public printer within which time to print and deliver the journals.

Sec. 7. *Be it enacted*, That it shall and may be lawful for any circuit judge, from and after the passage of this act, to take the oaths of office before any justice of the peace in any county in this state.

Judges may be sworn by Justices.

Speaker of the House of Representatives.

Speaker of the Senate.

Nov. 24, 1817.

CHAP. CLXXV.

AN ACT for the relief of the heirs of Samuel Shaw. **WHEREAS**, it appears by this General Assembly, that a certificate for six hundred and forty acres, on an original warrant of No. 4429 had issued to the heirs of Samuel Shaw, which certificate has since been lost, Therefore,

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the commissioner of west Tennessee is hereby authorised to issue to the heirs of said Samuel Shaw, a duplicate certificate for six hundred and forty acres of the same number of the one heretofore issued, expressing in the face thereof, that the original certificate has become lost to the heirs of said Shaw; provided always, that said commissioner shall be first satisfied, that no grant has been issued by the Register of east or west Tennessee, upon said original certificate or any part thereof.

Sec. 2. *Be it enacted*, That the original certificate, immediately on the issuance of the duplicate aforesaid, shall become void to all intents and purposes, and the registers of the land offices are hereby instructed and required not to issue any grant upon the same.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

November 18, 1817.

CHAP. CLXXVI.

AN ACT to secure the navigation of Sequachee river in the county of Bledsoe.

Sec. 1. *BE it enacted by the General Assembly of the*

Bledsoe court
to appoint
commission-
ers.

State of Tennessee, That the county court of Bledsoe county, be authorized and empowered to appoint a sufficient number of commissioners, not exceeding five, and from time to time to fill vacancies happening in such appointments, for the purpose of examining and ascertaining what obstructions are or may be in the river Sequatchee to the navigation thereof, from the town of Pikeville to its junction with the river Tennessee, and to report to the said county court without delay, the most practicable means of removing such obstructions, and improving the navigation of said river.

Power of the
commission-
ers.

Sec. 2. *Be it enacted,* That the said commissioners and their successors, shall have power under the direction of said court, to receive by donation or subscription, any sum or sums of money or other things that may be necessary for the carrying the object of this act into effect, and may contract with any person or persons for the opening or clearing part or portions of said river, and contract with the owner or owners of lands on each or both sides of the said river, for the making sluices or other necessary improvements for the purpose aforesaid.

Sec. 3. *Be it enacted,* That in all acts to be done by the said county court, under the authority of this act, it shall be necessary that a majority of the acting Justices of said county court be present.

Penalty on
obstructing
the naviga-
tion.

Sec. 4. *Be it enacted,* That whenever said river, shall be improved or any part thereof, that if any person or persons shall cut down any timber in said river, or in any wise obstruct the navigation of such part as may be opened, they shall be liable to pay a sum not exceeding one hundred dollars, which sum shall be recovered as by action of debt, to be sued for in the said county court by either of the aforesaid commissioners, for the use of keeping open the navigation of said river.

Sec. 5. *Be it enacted,* That nothing herein contained, shall be so construed as to prevent any person or persons from building any bridge or bridges across said river, by leaving sufficient room for any boats or crafts to pass up or down said river with safety,

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 15, 1817.

CHAP. CLXXVII.

AN ACT for the relief of Joseph Cobb.

WHEREAS the state of North-Carolina, on the 29th day of November, in the year of our lord 1795, issu-

ed to Joseph Cobb and William Cobb, a grant for six hundred and forty acres, of number 230, which said six hundred and forty acres, is entirely included within the lines of an older grant issued by said state, to Stokley Donnelson and James King, for five thousand acres, and whereas the Commissioner of the land office for East Tennessee, has refused to issue a land warrant for said six hundred and forty acres, because they were of opinion the five thousand acre tract granted to Stokley Donnelson and James King, contained within its lines a much greater quantity than five thousand acres, and that said grant would be curtailed to its proper limits, for remedy, whereof.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioner of the land office for East Tennessee, he and he is hereby required to issue to Joseph Cobb, a certificate or land warrant for six hundred and forty acres, on grant number 230, issued by the state of North Carolina to Joseph Cobb and William Cobb; *Provided* that the said Joseph Cobb shall make it appear to said commissioner, that he has the legal interest in said six hundred and forty acres, and furthermore produce to said commissioner, the original or fair copies of the interfering grant, together with the surveyors certificate of survey, shewing the interference therein; and that the warrant on which said grant issued was a good and valid land warrant, and that no other grant has issued on the same.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 22, 1817.

CHAP. CLXXVIII.

AN ACT to prohibit the keeping of Billiard Tables in this state.

Sec. 1: *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for any clerk in this state, after the passage of this act, to issue to any person a license to erect or keep erected for use, any billiard table in this state, and if any license should issue, the same shall be absolutely void. Clerks prohibited from issuing license.

Sec. 2. *Be it enacted,* That if any person shall erect or keep erected any billiard table for use, in any county in this state, he, she or they shall forfeit and pay the sum of two thousand dollars, to be recovered by action of debt, one half to the use of the state, the other half to him who will sue for the same: *Provided,* Penalty on erecting tables.

always, that no person shall incur the penalty prescribed in this act, for erecting or keeping erected a billiard table at any time prior to the first day of January next, but any license obtained after the passing of this act shall be null and void; *Provided further*, that it shall be lawful for any person, who shall have taken out a license before the passing of this act, to continue to keep his table until the expiration of such license.

Owner of
the house
made liable.

Sec. 3. *Be it enacted*, That the owner of the House which has been leased since the passing of this act, in which any billiard table may be kept, as well as the owner of such billiard table, shall be subject to the penalty prescribed by the second section of this act.

Sec. 4. *Be it enacted*, That this act shall be in force from and after the first day of January next.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate

November 25, 1817.

CHAP. CLXXIX.

AN ACT to authorise a separate election in the county of Humphreys.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the sheriff of Humphreys county, by himself or deputy, on the days appointed by law for holding elections to open and hold a separate election at the house of Benjamin Watts on Buffalo, in said county, for the purpose of electing a Governor, Members to Congress, Electors to elect a President and Vice-President. Members to the State Legislature and Field Officers, which election shall be held and conducted under the same rules regulations and restrictions, that similar elections are in this state.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 19, 1817.

CHAP. CLXXIX.

AN ACT to establish a separate election in Greene county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Sheriff of Greene county, by himself, deputy, or some sworn officer of said county, to open and hold an election at the house of Michael Myers, on the days appointed by

law for holding elections, to elect a Governor, Members to the General Assembly, Members to Congress, and Electors to Elect a President and Vice-President, under the same rules regulations and restrictions, as is provided for the separate Elections at Newmansville, and all votes living convenient to said separate election may vote, either at said separate election, or at the court house, as may best suit their convenience.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate,

November 16, 1817.

CHAP. CLXXXI.

AN ACT to alter the place of holding a separate election in the county of Wilson.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the place authorized formerly for holding a separate election at the house of Solomon George, now William C. Mitchell, in Wilson county, shall hereafter be holden at some house in the town of Maryville in said county, under the same rules regulations and restrictions as are prescribed by law for holding elections at said former place; any law to the contrary notwithstanding.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Nov. 15. 1817.

CHAP. CLXXXII.

AN ACT supplementray to an act, entitled "an act, to incorporate the Banking associations therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James M'Kisick, be and he is hereby appointed an additional director to the Shelbyville Tennessee Bank, with the same powers and privileges, and under the same rules regulations and restrictions as those heretofore appointed.

Sec. 2. *Be it enacted,* That the bank established in Winchester Franklin county, shall be known by the name and style of the Winchester Tennessee Bank.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 24th, 1817.

AN ACT to repeal so much of an act passed on the 16th November, 1813, as prevents courts of Justice from taxing defendants with costs in certain cases, and for other purposes.

Repealing
clause:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act passed the 16th day of November, 1813, as prevents the courts of justice in this state from taxing defendants with costs of the prosecution, where there exists strong probable presumptions of his guilt, shall be and the same is hereby repealed.

Court may
tax defend-
ants with
costs.

Sec. 2. *Be it enacted*, That in all state prosecutions hereafter to be commenced, in any of the courts of law in this state, the said court, before whom such indictment may have been tried, shall have full power to tax the defendant or defendants with costs of such prosecution; notwithstanding he, she or they may have been acquitted by the verdict of a Jury: provided there be strong reasons to induce said court to believe such defendant or defendants may have been guilty of the charge contained in the bill of indictment.

Patrols:

Sec. 3. *Be it enacted*, That in all cases where in the judgment of any justice of the peace, a patrol will be necessary within the bounds of the captain's company in which he may reside, that it shall and may be lawful for such justice of the peace, to notify the captain, or other officer, commanding such company, that in his judgment, a patrol is necessary, upon the receipt of which it shall be the duty of such captain, or other commanding officer, to order out a patrol, and continue the same, until the same, or some other justice in the said company, shall notify the officer that such patrol is unnecessary.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Nov. 24, 1817.

AN ACT to authorise a separate election in the county of Roane.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the sheriff of Roane county, by himself or deputy, on the constitutional days for holding elections, to open and hold a separate election at the house of Thomas Blake, on King's creek, for the purpose of electing a Governor, Members to Congress, and Members to the State

Legislature, which elections shall be held and conducted under the same rules, and restrictions as similar elections in this state.

Sec. 2. *Be it enacted*, That at the close of said election, it shall be the duty of the returning officer to count said votes, and, on the succeeding day, to make return to the sheriff at the court-house in Kingston.

Sec. 3. *Be it enacted*, That hereafter there shall be a separate election held at the house of Shadrick Nye, in the county of Sumner, for the purpose of electing electors to elect a president and vice president of the United States, members of congress, governor of this state, members of the general assembly, military officers, and all other public officers that are elected by a general vote of the freemen of the state or county, and that any two justices of the county are hereby authorized to appoint a proper person to hold the election at said place, and also to appoint judges, clerks, &c. if the sheriff or court of said county should neglect making those appointments; and said elections shall be held on the same days, under the same rules and regulations, and the returns thereof be made at the same time and place, and have the same effect, that the returns from other separate election districts have in said county, and that all persons living west of the principal west fork of Station Camp creek, and south of the Red River ridge, in said county, shall be considered to belong to said election district.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 24, 1817.

CHAP. CLXXV.

AN ACT for the relief of Felps Reed:

WHEREAS a grant issued by the state of North-Carolina to Felps Reed, for three thousand acres of land, of number three hundred and fifty nine, dated the seventeenth day of February, in the year of our Lord, one thousand eight hundred, a great part of which grant is included within the lines of a grant issued by the said state of North-Carolina to John Sevier, for thirty two thousand acres of land, of No. 300, dated 27th November, 1795. And whereas, the commissioners of the Land Office of West Tennessee, have refused to issue to the said Felps Reed a land warrant for the quantity of acres contained within the lines of John Sevier, the older interfering grantee, because said commissioner was of opi-

when the grant issued to said John Sevier was void; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioner of the land office for east Tennessee, he, and he is hereby required to issue a land warrant or certificate to Felps Reed, to the amount of any quantity of interference between the grant of said John Sevier and the grant of said Felps Reed, upon the said Felps Reed producing to said commissioner the originals or fair copies of the interfering grants, properly certified, together with the surveyor's certificate of survey, shewing the interference therein: Provided always, that the said Felps Reed shall shew to said commissioner, that the warrant on which his said grant of No. 359, issued, was a good and valid land warrant, and that the consideration for said warrant has been duly paid into the proper office of North-Carolina, and that no other grant issued upon the said warrant; Provided it shall not be lawful to issue said certificate for a greater number of acres than the amount of the warrant on which said grant issued, after deducting the number of acres holden by said grant, and not taken by the grant of said Sevier.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 17, 1817.

CHAP. CLXXXVI.

AN ACT providing for the laying off school lands in the county of Bledsoe.

Lands how
to be laid off

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall forthwith be the duty of the principal surveyor of the third district in this state, either by himself or deputy, so soon as the late treaty with the Cherokee Indians is ratified, to proceed to lay off the proper number of acres of school lands, in that part of Bledsoe county to which the Indian title has lately been extinguished, by the treaty aforesaid, in the manner hereinafter directed.

Sec. 2. *Be it enacted.* That the said surveyor shall as is by law provided, lay off and plainly mark the lines of each tract, which shall contain six hundred and forty acres each, to which said county will be entitled, in the following manner, to wit: He shall lay off each tract in such manner, that the Sequatche river shall run through it, and shall enter each of said tracts at

the middle of the north east line, so that the land may lie on both sides of said river.

Sec. 3. *Be it enacted*, That the first tract shall be laid off in such manner that its north east line as aforesaid, shall cross the said Sequatche river six miles below the present jurisdictional line of said county, which is known by the name of the Indian ford; and the second tract shall be laid off six miles below the said first tract, and in the same manner, and the other tracts shall all be laid off and surveyed in the same manner, six miles apart, and in such numbers as there are different distances of six miles, from the said Indian ford to the Indian line, as established by the late treaty.

Sec. 4. *Be it enacted*, That the said surveyor shall make out a correct plat of the said several tracts of schoollands, laid off as aforesaid, which shall become a part of the record of his office, and he shall make such other entry in his books, descriptive of, and relative to, said lands as is by law required to be made of and concerning schoollands in this state. Plat to be kept.

Sec. 5. *Be it enacted*, That the surveyor shall make out the fees he usually receives for similar services, and swear to the same, before some judge or justice of the peace, and upon producing said proven account to either of the treasurers of this state, they shall pay the same, and the said proven account shall be a sufficient voucher in the settlement of his accounts. Allowance to surveyors.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 20, 1817.

CHAP. CLXXXVII.

AN ACT for the relief of Nicholas Gillintine and Woodson P. White.

WHEREAS it appears to this General Assembly, that a certificate land warrant issued by Edward Scott, Register of East Tennessee to Andrew M. Lusk, for two hundred and fifty acres, of No. 161, which was regularly assigned to Nicholas Gillintine and Woodson P. White, and afterwards lost, wherefore and for remedy whereof.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the Register of East Tennessee, be and he is hereby authorised and required to issue to Nicholas Gillintine a certificate land warrant for one hundred and thirty nine acres, it being the quantity of acres to which he was entitled, of certificate No.

161, and in like manner issue to Woodson P. White a certificate land warrant for an hundred and eleven acres, the quantity of acres to which he was entitled by assignment of said certificate No. 161, expressing on the face of each certificate so issued, that the same is issued in consideration of so much of said certificate No. 161 for two hundred and fifty acres.

Sec. 2. *Be it enacted*, That said certificate warrant No. 161 issued by the Register of East Tennessee to Andrew M. Lusk, on the 29th day of October 1810, shall be null and void, so soon as said duplicates are issued as contemplated in this act, and if the same should hereafter be found, it shall not be lawful to make any entry or to issue any grant on the same, and if any such entry or grant should be made, the same shall be void and vest no title.

Sec. 3. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Nov. 24, 1817.

CHAP. CLXXXVIII.

AN ACT for taking depositions in certain cases. **WHEREAS** it frequently happens, that the Governor of this state, Secretary, Judges of the supreme court and circuit court, Attorneys at law, Treasurers of the state, Registers of the land office, Clerks of any court of record, Members of the General Assembly while in session, are subpoenaed to attend as witnesses between parties litigant, and sometimes are required to attend at a considerable distance from where their official duties require them to be, which frequently deprives the parties of the benefit of their testimony to the great injury of the parties, for remedy whereof.

Public Officers depositions may be taken.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee* That in all cases now pending or that may hereafter be depending in any court of law or equity in this state, where either plaintiff or defendant, are desirous of having the testimony of the Governor, Secretary of state, Judges of the supreme court, Judges of the circuit court, Attorneys at law, Clerks of any court of record, Members to Congress, Treasurers of this state, Registers of the land office, Members of the General Assembly while they are in session and practising physicians, it shall and may be lawful for such party or parties to take their depositions, under

the same rules, regulations and restrictions as depositions are taken in other cases; and said depositions when so taken, shall be read in evidence in the same manner as if the deponent or deponents were dead or out of the state.

Sec. 2. *Be it enacted*, That where depositions are authorised to be taken by this act, it shall be lawful for the clerk of the court, where said cause may be pending on the application of either party or their attorney, to issue a commission for taking said depositions either in or out of term time, and if out of term time without an order of court, specifying in said commission the number of days notice that shall be given for taking the same, which shall be as follows (to wit:) for fifty miles or under, five days; from fifty to one hundred miles, ten days; any distance over one hundred, not exceeding one hundred and fifty, fifteen days; if over one hundred and fifty, not exceeding two hundred and fifty miles, twenty days; if over two hundred and fifty, thirty days.

Sec. 3. *Be it enacted*, That if any party or parties, who may have any cause pending in any court of law or equity, and is desirous of taking the deposition of any person who may not live within the limits of the county where the said suit is pending, upon disclosing that fact, upon affidavit, the court or any Judge or Justice of said court, out of term time, may grant him a commission to take the deposition of such witness, which shall be read in the same manner as depositions taken under the first section of this act; Provided nevertheless, if the adverse should desire to have said witness examined in open court, he is hereby authorised to have him subpoenaed under the same rules, and regulations as heretofore prescribed by law.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.
EDWARD WARD,
Speaker of the Senate.

November 7, 1817.

CHAP. CLXXXIX.

AN ACT to authorise a tax to be laid in the county of Robertson, to build a court-house.

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Justices of the court of Robertson county, (a majority of the acting Justices being present) at their first session after the first day of January next, to lay a tax on the taxable poles and property in said county for the year 1818, and to continue the same as long as the same shall

be necessary, to raise a sufficient sum to build a court house for said county, which tax shall not exceed 25 cents on each white poll, 50 cents on each slave liable to taxation, fifty cents on each hundred acres of land, ten dollars on each merchant, one dollar on each hundred dollars worth of town property in said town, which tax shall be collected and paid over to the county trustee as other county taxes, to be by him paid over to the commissioners hereby appointed to contract for building a court house in the county of Robertson, as said commissioners may require the same.

Commissioners appointed.

Sec. 2. *Be it enacted*, That Thomas Johnson, Benjamin Tucker, John Hutchison, Archer Cheatham, James H. Bryan, Jack E. Turner, James Sawyers and Leonard P. Cheatham, he and they are hereby appointed commissioners to contract for the building of a court house in the town of Springfield, whose duty it shall be, so soon after said tax is laid for the year 1819 as may be convenient, to form a plan of a court house, to be built in said county, and cause public notice to be given at least sixty days previous to the time when they will let the building of said court house to the lowest bidder or bidders, which notice shall be given in the town of Springfield, also in the newspaper printed in Clarksville, and in one of the papers published in Nashville, and in such public places in said county of Robertson as they may think proper, and said commissioners shall proceed to let the building of said court house to the lowest bidder or bidders, and shall take bond with good and sufficient security, payable to themselves and their successors in office in the penalty of ten thousand dollars, conditioned for the faithful execution of such building, according to the terms prescribed by said commissioners.

Their duty

Sec. 3. *Be it enacted*, That it shall be the duty of said commissioners to superintend said building, and see that the same is done in the manner prescribed in their contract, and when said building is completed, the court of the county of Robertson, shall make to said commissioners a reasonable compensation for their time and trouble in attending to said business, Provided a majority of the acting Justices be present when said allowance is made.

Old court-house to be sold

Sec. 4. *Be it enacted*, That the county court of Robertson county, a majority of the acting justices being present, is hereby authorised, after the first day of January 1819, to order and direct that the commissioners aforesaid, upon giving twenty days previous notice, to expose to public sale to the highest bidder the old Court house in the town of Springfield and the

money arising from such sale, shall be appropriated to the building a new court house in the town of Springfield.

THOMAS WILLIAMSON.

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 19, 1817.

CHAP. CXC.

AN ACT to amend an act to build a bridge across the Cumberland river, at Nashville, and to incorporate all the subscribers thereto, passed Oct. 21st, 1812.

WHEREAS it will be of much public utility, that a bridge should be built over the Cumberland river, opposite the town of Nashville; and whereas, it will require a sum of money so large that it cannot be raised except by a company incorporated for that purpose; and whereas, an act was passed on the 21st day of October, 1812, entitled "an act to build a bridge across the Cumberland river, at Nashville, and to incorporate all the subscribers thereto."— And whereas, from the situation of the country, during the late war, the provisions of said charter of incorporation have not been carried into effect, within the time prescribed by said act, and the same cannot now be commenced without an amendment to said charter, wherefore,

Sec. 1. *BE it enacted by the General Assembly of the State of Tennessee,* That the said stock, authorized to be subscribed by the provisions of said act, may be subscribed at any time within three years from the first day of January next, together with the additional sum of fifty thousand dollars, or so much thereof as the directors herein appointed, or their successors, may think necessary, to carry into effect the objects of said act; and that Robert Weakley, David Shelby, Christopher Stump, Thomas Talbot, James Jackson, Stephen Cantrell, jun. William Williams, Andrew Hynes and Josiah Nichol, shall be directors of said company, until the first day of January, 1820, and until an election shall take place by the stockholders, under the provisions of said act; and that said directors shall be charged with procuring subscriptions and payment for the shares of the capital stock authorized to be subscribed, and that books shall be opened in the town of Nashville for that purpose, in the manner and under the restrictions pointed out in said act; provided that public notice shall be given in the newspapers printed

in Nashville, twenty days, of the time of opening said books; and if the whole of said stock is not subscribed at any one time, said directors may open the same at any other time they may think proper.

Toll gate.

Sec. 2. *Be it enacted*, That so soon as said company, shall have completed said bridge fit for passengers, it shall be lawful for said company to erect a gate across the same, and to receive from passengers the toll specified in said act, during the whole time that a bridge shall be kept in repair, fit for passengers to cross with safety over the same.

Sec. 3. *Be it enacted*, That the said act, herein before recited, except so far as the same is inconsistent with this act, is hereby declared to be in full force, together with this amendment, as a charter of incorporation to said company.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 18, 1817:

CHAP. CXCI.

AN ACT authorising Moses Fisk to open a Turnpike road.

Road described.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Moses Fisk may open a road from Hilham, in verton Ocounty, to the north bank of Obey's river, crossing any where above William Dales, to be made of such width and in such manner, with dugways, causeways &c. where necessary, as the laws make requisite for public roads generally, and may keep a turnpike on it at such places as he may think proper, from time to time for the term of twenty years.

Rates of toll

Sec. 2. *Be it enacted*, That the county court of Overton county, when notified by said Fisk or his successor, that said road is prepared according to law, shall appoint three respectable freeholders to inspect it, and if in their opinion it is so prepared, their certificate of the same, shall entitle the said Fisk, his heirs or assigns, to manage said turnpike during said term of twenty years from its date; and to demand and receive from passengers at the rate of 6 $\frac{1}{4}$ cents for each horse and its rider; the same for each loose or led horse; one cent a piece for hogs, cattle, and sheep; 50 cents for each cart and team or other two wheeled carriage; and 75 cents for each waggon and team, or other four wheeled carriage; but any house-holder living within three miles of said road, who will assist with such hands as are required by law to work on public roads

two days in opening it; and two days annually in keeping it in repair, when duly notified by said Fisk; or his heirs or assigns, or his or their agent, shall pass and repass with his family and property, without the payment of toll.

Sec. 3. *Be it enacted,* That the said Moses Fisk, his heirs and assigns, after they shall begin to receive toll according to the provisions of this act, shall in all respects be liable for neglecting to keep said road in repair as overseers of public roads are; and subject to the same process and penalties; and every person for turning, obstructing or otherwise injuring said road, or any part or appendage of it, shall be liable to the same fines, forfeitures and penalties; as are inflicted for like injuries to public roads; or other property of the kind; the proceedings to be similar; the fines and forfeitures to be recovered by and for the use of the said Moses Fisk, his heirs and assigns; and any person who shall arbitrarily pass the said turnpike within one mile of it, in order to evade the payment of toll, shall forfeit and pay to the said Moses Fisk, or his heirs or assigns, the sum of two dollars for each offence, to be recoverable before any competent jurisdiction, by action of debt.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate

November 7, 1817.

CHAP. CXCII.

AN ACT for the benefit of Joseph A. Montgomery.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the house and lot owned by said Montgomery, in the town of Murfreesborough, shall not be liable to pay any county or corporation tax after the passage of this act.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

November 24, 1817.

CHAP. CXCIII.

AN ACT more effectually to provide for the election of Aldermen for the incorporated towns in this state.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for the high constable, for the time being, of any incorporated town in this state, to open and hold an e-

section for Aldermen of said corporation, at the time and place appointed for holding such election.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 14th, 1817.

CHAP. CXCIV.

AN ACT to extend the width of the road therein named.

Be it enacted by the General Assembly of the State of Tennessee, That it may be lawful for the county court of Maury, if they may think it necessary, to cause to be opened and kept in repair, so much of a road as runs south from the town of Columbia, to the first fork of said road; which shall be opened the full width of the street of said town of Columbia, under the same rules and regulations as are prescribed by law for opening and keeping in repair other public highways in this state.

THOMAS WILLIAMSON,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

November 22, 1817.

CHAP. CXCV.

AN ACT making an appropriation to defray the contingent expences of the Secretary of State's Office.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That William Alexander, Secretary of State, be allowed the sum of two hundred and sixty dollars thirty four cents, by him expended in the removal of the Governor and Secretary's Office from Nashville to Knoxville; for Office rent, and in defraying other accounts against the state.

Sec. 2. Be it enacted, That the receipt of the said William Alexander shall be a good voucher to either of the treasurers of this state, on the settlement of his accounts.

JAMES FENTRESS,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Sept. 24, 1817.

CHAP. CXCVI.

AN ACT to repeal part of an act entitled "an act, to provide for the erection of a bridge over Richland

creek, in the town of Pulaski, in the county of Giles, and for other purposes, passed Nov. 18th, 1815,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the tenth and eleventh sections of the above recited act, be and the same are hereby repealed, and that it shall be the duty of the commissioners appointed to lay off the town of Pulaski, to report to the county court of Giles county, their progress in the duties of their appointment, at such times as said court may direct, not oftener than once a year, and so soon as said commissioners shall have completed the duties of their appointment, it shall be their duty to settle with and pay over to said county court, such monies as may remain in their hands unappropriated, after deducting therefrom, such sum or sums as may be allowed to them by said county for their services in laying off said town, erecting public buildings, &c.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 4, 1817.

CHAP. CXCVII.

AN ACT to authorise Mary Colthorp, widow of James Colthorp, to convey to William Moore a certain tract of land that said Colthorp sold to Moore in his life time.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Mary Colthorp be and is hereby athonised to convey to William Moore a certain tract of land lying in Hawkins county, containing one hundred acres be the same more or less, which said tract of land was sold by James Colthorp to said Moore in his life time.

Sec. 2. *Be it enacted*, That when such conveyance is made, it shall be as good and valid in law or equity as if the same had been made by James Colthorp in his life time.

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passage thereof.

THOMAS WILLIAMSON,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

November 12th, 1817.

AN ACT concerning the supreme courts of Errors and Appeals,

Judges competent to try all causes unless interested or related to a party.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of each and every of the said judges of said courts, to sit and give judgment in every cause, either in law or equity depending in said court, except constitutionally excluded by relationship or interest in the event of the cause,

Law authorizing special judges repealed.

Sec. 2. *Be it enacted,* That all acts and parts of acts authorising the appointment of special judges or commissioners to decide in said court on account of any of the judges of said court having been employed as counsel are hereby repealed.

May grant judgments on certain bonds.

Sec. 3. *Be it enacted,* That it shall and may be lawful for judges of the supreme court of errors and appeals, to exercise jurisdiction and grant judgments upon all bonds or recognizances which may be taken by the clerks of said court, or may have been taken in said courts, or in any circuit court and removed to said court; either for the prosecution of suits or bonds executed agreeable to any order of said court, or of any judge granting an injunction, or bonds of any other kind, which by law are directed to be executed by any party or parties in the progress of any cause and deposited in said court, and such process of *scire facias* may in all such cases be issued as is proper in similar cases in a court of law, and if any defendant or defendants shall appear and plead to such *scire facias*, and an issue should be joined, it may be lawful for such court to order a jury to be forthwith summoned for the finding said issue, upon which said court may proceed to judgment as in other cases.

Where judges fail to attend court may be adjourned from day to day.

Sec. 4. *Be it enacted,* That if at any time it shall so happen that from sickness or other unavoidable accident, there shall not attend on any day of the session of a supreme court, any of the judges of said court, it shall be lawful for the sheriff to adjourn said court from day to day in the same manner as is directed by law for the sheriff, to adjourn the circuit courts, and if only one of said judges of said court shall attend from the same cause, it shall be lawful for said judge to open court and adjourn the same from day to day as long as he may think it proper.

Sheriffs to serve notices

Sec. 5. *Be it enacted,* That in all causes at law or equity in which depositions are authorised by law to be taken it shall be the duty of the sheriff of any county in Tennessee, in which the party may reside, who has to be notified of the time and the place of taking any deposition or depositions, to deliver a copy of any no-

file put into his possession for that purpose, to the proper person or persons in due time and to mark on the notice delivered to him, the time of delivering such copy and return the same to the clerk of the court in which the suit is pending, and every sheriff shall be allowed the sum of fifty cents for every copy of a notice served by him, to be taxed as costs in the suit and the return of the sheriff shall be proof of notice in such case.

Sec. 6. *Be it enacted*, That it shall be the duty of any sheriff of any county in this state to deliver in due time to the person or persons to whom notice is addressed a copy of any notice put into his possession, which notice is against a delinquent officer or against a person or persons in favor of their security and to return the original notice to the clerk of the court in which the motion is to be made in due time, with his return, for which a sheriff shall receive the same fees for serving notices to take depositions.

Sec. 7. *Be it enacted*, That it shall be the duty of the sheriffs of the several counties of this state to serve ^{To serve in} injunctions. ^{junctions.} injunctions issued by the courts of equity and a sheriff shall be allowed one dollar for each injunction.

Sec. 8. *Be it enacted*, That in all cases heretofore or hereafter where a suit has been tried or dismissed & the plaintiff or defendant die before the cost are collected, and the opposite party in such suit administer on the estate, or is appointed executor of said deceased, it shall and may be lawful for the clerk, sheriff and witnesses and all others who have costs, to sue for and recover the amount of his or their claim against the administrator or executor of said deceased before any jurisdiction having cognizance thereof or before any justice of the peace, provided it does not exceed fifty dollars, any law, usage or custom to the contrary notwithstanding. ^{Costs how recovered in certain cases.}

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

Nov. 24, 1817.

CHAP. CXCIX.

AN ACT to provide for the payment of the members, clerks and door keepers of this general assembly, and to defray the necessary contingent expenses thereof.

Sec. 1. *Be it enacted by the General Assembly of the* ^{Members} *State of Tennessee*, That each member shall receive the sum of three dollars and fifty cents for each day he

Has attended this General Assembly, and a like sum for every twenty five miles travelling to and from the same.

Clerks.

Sec. 2. *Be it enacted* That the clerks of this General Assembly, both principal and assistant, shall each receive five dollars for each day they may have attended the same; and the principal clerk of the Senate, the sum of \$105 97 cents for stationary; and the principal clerk of the House of Representatives, the sum of \$147 52 cents for stationary furnished the present session.

Door-Keep-
ers.

Sec. 3. *Be it enacted*, That the doorkeepers, be each allowed per day three dollars and fifty cents for each day they may have attended; and to John Rhea for fuel and candles the sum of \$13 48 cents, and to John Bright the sum of \$22 42 cents, for fuel candles, &c.

Sec. 4. *Be it enacted*, That Christopher Brooks, assistant doorkeeper, be allowed for services this session the sum of three dollars and fifty cents per day.

Allowance
to Jan 03
Dardis.

Sec. 5. *Be it enacted*, That the treasurer of east Tennessee, pay to James Dardis, the sum of \$113 68 1/2 cents in full for stoves and other articles paid for and furnished by said Dardis, and the receipt of said Dardis, shall be a sufficient voucher for said treasurer in the settlement of his accounts.

To George
Wilson.

Sec. 6. *Be it enacted*, That either of the public treasurers of this state shall pay to George Wilson, the sum of \$32 50 cents as compensation for printing done by contract with the clerks of this General Assembly, and his receipt shall be good on settlement for that sum.

THOMAS WILLIAMSON,
Speaker of the House of Representatives,
EDWARD WARD,
Speaker of the Senate.

Nov. 1817:

ERRATUM.

Page 29, last line—for James Perry, read James Terry

I have carefully examined and collated the foregoing acts, *One hundred and ninety nine in number*, with the originals deposited in my office, and certify them to be true copies thereof.

WM. ALEXANDER,
SECRETARY OF STATE.

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